C9

# COMMONWEALTH OF MASSACHUSETTS
## WILLIAM FRANCIS GALVIN
## SECRETARY OF THE COMMONWEALTH

## WARRANT FOR PRESIDENTIAL PRIMARY

**Middlesex SS.**

To the Constable of the Town of Chelmsford

**GREETING:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at:

| | |
|---|---|
| Precinct 1. | Town Offices Gymnasium, 50 Billerica Road |
| Precinct 2. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 3. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 4. | Westlands School Cafetorium, 170 Dalton Road |
| Precinct 5. | Byam School Cafetorium, 25 Maple Road |
| Precinct 6. | Westlands School Cafetorium, 170 Dalton Rd |
| Precinct 7. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 8. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 9. | Town Offices Gymnasium, 50 Billerica Road |

on **TUESDAY, THE FIFTH DAY OF FEBRUARY, 2008,** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

| | |
|---|---|
| PRESIDENTIAL PREFERENCE . . . . . | FOR THIS COMMONWEALTH |
| STATE COMMITTEE MAN . . . . . | THIRD MIDDLESEX SENATORIAL DISTRICT |
| STATE COMMITTEE WOMAN . . . . . | THIRD MIDDLESEX SENATORIAL DISTRICT |
| DEMOCRATIC TOWN COMMITTEE . . . . . | CHELMSFORD |
| REPUBLICIAN TOWN COMMITTEE . . . . . | CHELMSFORD |
| GREEN-RAINBOW TOWN COMMITTEE . . . . . | CHELMSFORD |
| WORKING FAMILIES TOWN COMMITTEE . . . . . | CHELMSFORD |

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 7th day of January, 2008.
(month)

Selectmen of: Chelmsford

# COMMONWEALTH OF MASSACHUSETTS
## WILLIAM FRANCIS GALVIN
## SECRETARY OF THE COMMONWEALTH

### WARRANT FOR PRESIDENTIAL PRIMARY

Middlesex ss.

To the Constable of the Town of Chelmsford

GREETING:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Primaries to vote at

| | |
|---|---|
| Precinct 1 | Town Offices Gymnasium, 50 Billerica Road |
| Precinct 2 | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 3 | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 4 | Westlands School Cafetorium, 170 Dalton Road |
| Precinct 5 | Byam School Cafetorium, 25 Maple Road |
| Precinct 6 | Westlands School Cafetorium, 170 Dalton Rd |
| Precinct 7 | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 8 | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 9 | Town Offices Gymnasium, 50 Billerica Road |

on TUESDAY, THE FIFTH DAY OF FEBRUARY, 2008, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primary for the candidates of political parties for the following offices:

| | |
|---|---|
| PRESIDENTIAL PREFERENCE | FOR THIS COMMONWEALTH |
| STATE COMMITTEE MAN | THIRD MIDDLESEX SENATORIAL DISTRICT |
| STATE COMMITTEE WOMAN | THIRD MIDDLESEX SENATORIAL DISTRICT |
| DEMOCRATIC TOWN COMMITTEE | CHELMSFORD |
| REPUBLICAN TOWN COMMITTEE | CHELMSFORD |
| GREEN-RAINBOW TOWN COMMITTEE | CHELMSFORD |
| WORKING FAMILIES TOWN COMMITTEE | CHELMSFORD |

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 7th day of January (month), 2008.

Selectmen of Chelmsford

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. January 10, 2008

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest: William E. Spence
William E. Spence, Constable

TOWN OF CHELMSFORD DEMOCRATIC PRIMARY February 5, 2008

*adjusted Feb 8th to reflect provisional ballot *

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **PRESIDENTIAL PREF** | | | | | | | | | | |
| Blanks | 5 | 1 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 10 |
| John R. Edwards | 15 | 17 | 17 | 15 | 11 | 15 | 15 | 18 | 16 | 139 |
| Hillary Clinton | 447 | 420 | 429 | 386 | 413 | 532 | 491 | 542 | 448 | 4108 |
| Joseph R.Biden, Jr | 1 | 1 | 3 | 0 | 2 | 5 | 3 | 2 | 1 | 18 |
| Christopher J. Dodd | 0 | 0 | 1 | 1 | 2 | 0 | 0 | 0 | 1 | 5 |
| Mike Gravel | 1 | 1 | 0 | 3 | 1 | 2 | 0 | 0 | 0 | 8 |
| Barack Obama | 292 | 289 | 275 | 255 | 359 | 378 | 414 | 324 | 330 | 2916 |
| Dennis J. Kucinich | 0 | 1 | 1 | 2 | 1 | 4 | 1 | 3 | 1 | 14 |
| Bill Richardson | 0 | 2 | 0 | 3 | 2 | 4 | 2 | 2 | 4 | 19 |
| No Preference | 3 | 9 | 4 | 8 | 4 | 5 | 2 | 6 | 3 | 44 |
| Write-In | 1 | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 5 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **TOTAL** | 765 | 742 | 732 | 675 | 796 | 945 | 929 | 897 | 805 | 7286 |
| **STATE COMMITTEE MAN 5TH MLDSX** | | | | | | | | | | |
| Blanks | 373 | 292 | 289 | 272 | 353 | 404 | 407 | 351 | 341 | 3082 |
| Ronald M. Cordes | 392 | 450 | 441 | 402 | 442 | 541 | 520 | 544 | 462 | 4194 |
| Write-In | 0 | 0 | 2 | 1 | 1 | 0 | 2 | 2 | 2 | 10 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **TOTAL** | 765 | 742 | 732 | 675 | 796 | 945 | 929 | 897 | 805 | 7286 |
| **STATE COMM WOMAN 5TH MLDSX** | | | | | | | | | | |
| Blanks | 357 | 273 | 274 | 264 | 347 | 385 | 392 | 339 | 316 | 2947 |
| Janet M. Beyer | 408 | 468 | 455 | 411 | 448 | 560 | 536 | 556 | 485 | 4327 |
| Write-In | 0 | 1 | 3 | 0 | 1 | 0 | 1 | 2 | 4 | 12 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **TOTAL** | 765 | 742 | 732 | 675 | 796 | 945 | 929 | 897 | 805 | 7286 |
| **TOWN COMMITTEE** | | | | | | | | | | |
| **Group** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blanks | 16095 | 15114 | 14629 | 13792 | 16142 | 19962 | 18379 | 18392 | 15505 | 148010 |
| Angelo J. Taranto | 358 | 377 | 398 | 345 | 423 | 523 | 518 | 498 | 456 | 3896 |
| Dennis J. Ready | 368 | 342 | 360 | 340 | 443 | 437 | 531 | 447 | 419 | 3687 |
| William F. Dalton | 348 | 358 | 369 | 305 | 377 | 440 | 420 | 417 | 386 | 3420 |
| Samuel Poulten | 323 | 322 | 332 | 293 | 344 | 398 | 438 | 412 | 372 | 3234 |
| Marianne J. Paresky | 309 | 317 | 321 | 291 | 329 | 385 | 408 | 385 | 364 | 3109 |
| Mary E. Hadley | 303 | 317 | 325 | 285 | 329 | 403 | 392 | 382 | 368 | 3104 |
| William A. Nolan | 295 | 302 | 332 | 267 | 320 | 340 | 384 | 353 | 343 | 2936 |
| Joel M. Karp | 285 | 284 | 287 | 275 | 308 | 336 | 369 | 344 | 345 | 2833 |
| Arthur R. Carmen | 285 | 282 | 284 | 254 | 311 | 335 | 362 | 336 | 362 | 2811 |
| Judith A. Olsson | 326 | 323 | 333 | 300 | 349 | 446 | 447 | 390 | 382 | 3296 |
| Alexander W. Gervais | 294 | 298 | 297 | 268 | 319 | 345 | 381 | 372 | 343 | 2917 |
| Loretta A. Gelenian | 288 | 351 | 299 | 267 | 317 | 353 | 368 | 346 | 349 | 2938 |
| Scott E.Johnson | 297 | 314 | 328 | 285 | 329 | 374 | 389 | 363 | 367 | 3046 |
| Dorothy C. Ayer | 297 | 304 | 290 | 278 | 323 | 379 | 378 | 343 | 347 | 2939 |
| Thomas E. Moran | 306 | 306 | 341 | 277 | 334 | 366 | 413 | 373 | 361 | 3077 |
| Michael L. Rigney | 285 | 288 | 284 | 258 | 308 | 376 | 365 | 338 | 341 | 2843 |

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| George R. Dixon, Jr | 301 | 315 | 329 | 276 | 325 | 361 | 387 | 375 | 349 | 3018 |
| Gail E. Poulten | 303 | 313 | 320 | 281 | 330 | 368 | 400 | 384 | 366 | 3065 |
| Donald P. Ayer | 293 | 294 | 284 | 276 | 318 | 370 | 371 | 343 | 340 | 2889 |
| Mary E. Tiano | 313 | 306 | 312 | 281 | 346 | 422 | 424 | 384 | 379 | 3167 |
| Katherine H. Duffet | 318 | 311 | 306 | 278 | 355 | 376 | 461 | 367 | 366 | 3138 |
| MaryJo Sullivan | 309 | 319 | 321 | 293 | 328 | 395 | 421 | 391 | 372 | 3149 |
| Donna L. Ready | 347 | 327 | 330 | 310 | 403 | 393 | 489 | 413 | 388 | 3400 |
| John F. Gallant | 288 | 289 | 291 | 258 | 315 | 335 | 368 | 344 | 349 | 2837 |
| Robert P. Joyce | 316 | 306 | 311 | 311 | 322 | 357 | 385 | 359 | 373 | 3040 |
| Carol Ann Pilat | 305 | 329 | 329 | 270 | 330 | 370 | 395 | 374 | 359 | 3061 |
| Michael A. Combs | 288 | 284 | 288 | 265 | 317 | 369 | 365 | 337 | 340 | 2853 |
| Paul J. Cequa | 285 | 287 | 286 | 259 | 317 | 329 | 380 | 335 | 346 | 2824 |
| Dale E. Strein | 280 | 281 | 281 | 255 | 308 | 346 | 357 | 333 | 340 | 2781 |
| Benari L. Poulten | 294 | 297 | 301 | 266 | 319 | 348 | 381 | 373 | 351 | 2930 |
| John D. Sullivan | 297 | 306 | 305 | 269 | 325 | 356 | 399 | 363 | 345 | 2965 |
| Sandra C. Karp | 289 | 297 | 296 | 282 | 317 | 345 | 382 | 348 | 345 | 2901 |
| Robert S. Pilat | 291 | 306 | 302 | 257 | 314 | 332 | 365 | 346 | 338 | 2851 |
| Stratos G. Dukakis | 309 | 312 | 320 | 284 | 349 | 366 | 472 | 386 | 373 | 3171 |
| Christopher G. Collins | 287 | 292 | 299 | 274 | 317 | 339 | 371 | 349 | 346 | 2874 |
| **TOTAL** | 26775 | 25970 | 25620 | 23625 | 27860 | 33075 | 32515 | 31395 | 28175 | 255010 |

TOWN OF CHELMSFORD REPUBLICAN PRIMARY February 5, 2008

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **PRESIDENTIAL PREF** | | | | | | | | | | |
| Blanks | 2 | 1 | 0 | 0 | 1 | 1 | 0 | 1 | 1 | 7 |
| John McCain | 224 | 147 | 186 | 179 | 191 | 244 | 251 | 229 | 229 | 1880 |
| Fred Thompson | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 2 | 0 | 4 |
| Tom Tancredo | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Duncan Hunter | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 3 |
| Mike Huckabee | 12 | 14 | 14 | 10 | 20 | 16 | 15 | 17 | 10 | 128 |
| Mitt Romney | 309 | 196 | 256 | 251 | 269 | 290 | 357 | 300 | 302 | 2530 |
| Ron Paul | 14 | 9 | 8 | 13 | 11 | 10 | 11 | 12 | 7 | 95 |
| Rudy Giuliani | 3 | 1 | 3 | 2 | 2 | 0 | 1 | 3 | 0 | 15 |
| No Preference | 2 | 1 | 2 | 1 | 1 | 0 | 0 | 0 | 2 | 9 |
| Write-In | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 4 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 567 | 370 | 470 | 456 | 496 | 561 | 636 | 565 | 554 | 4675 |
| **STATE COMMITTEE MAN 5TH MLDSX** | | | | | | | | | | |
| Blanks | 231 | 148 | 203 | 197 | 210 | 254 | 247 | 220 | 225 | 1935 |
| Peter Dulchinos | 335 | 221 | 266 | 259 | 284 | 306 | 389 | 344 | 328 | 2732 |
| Write-In | 1 | 1 | 1 | 0 | 2 | 1 | 0 | 1 | 1 | 8 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 567 | 370 | 470 | 456 | 496 | 561 | 636 | 565 | 554 | 4675 |
| **STATE COMM WOMAN 5TH MLDSX** | | | | | | | | | | |
| Blanks | 239 | 148 | 205 | 194 | 219 | 257 | 266 | 243 | 207 | 1978 |
| Sandra B. Martinez | 327 | 222 | 265 | 261 | 277 | 304 | 368 | 321 | 345 | 2690 |
| Write-In | 1 | 0 | 0 | 1 | 0 | 0 | 2 | 1 | 2 | 7 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 567 | 370 | 470 | 456 | 496 | 561 | 636 | 565 | 554 | 4675 |
| **TOWN COMMITTEE** | | | | | | | | | | |
| **Group** | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blanks | 13152 | 8545 | 10712 | 11044 | 11773 | 13465 | 14033 | 12738 | 12232 | 107694 |
| Curtis B. Barton | 196 | 129 | 164 | 149 | 160 | 174 | 238 | 200 | 209 | 1619 |
| Elena D. Bowman | 188 | 128 | 167 | 152 | 166 | 170 | 228 | 195 | 207 | 1601 |
| Frank V. Candelieri | 188 | 130 | 165 | 140 | 158 | 171 | 256 | 202 | 210 | 1620 |
| Nancy P. Clark | 212 | 143 | 182 | 160 | 180 | 195 | 276 | 236 | 220 | 1804 |
| Lincoln Clark, III | 204 | 135 | 171 | 151 | 164 | 184 | 253 | 219 | 219 | 1700 |
| Carol C. Cleven | 277 | 161 | 220 | 194 | 229 | 254 | 338 | 306 | 270 | 2249 |
| Walter A.. Cleven | 235 | 148 | 195 | 161 | 198 | 209 | 297 | 268 | 238 | 1949 |
| Richard Codling | 194 | 127 | 163 | 140 | 160 | 183 | 233 | 197 | 213 | 1610 |
| Mary Ann Cole | 192 | 133 | 170 | 147 | 157 | 180 | 229 | 204 | 210 | 1622 |
| Taylor W. Cole | 192 | 127 | 166 | 143 | 156 | 175 | 228 | 198 | 206 | 1591 |
| Ednah C. Copenhaver | 191 | 126 | 162 | 138 | 155 | 172 | 228 | 193 | 214 | 1579 |
| John G. Coppinger | 211 | 127 | 168 | 152 | 175 | 181 | 241 | 214 | 209 | 1678 |
| William C.Curry | 198 | 134 | 173 | 145 | 174 | 183 | 264 | 234 | 209 | 1714 |
| Matthew G. Dulchinos | 195 | 155 | 173 | 143 | 170 | 178 | 250 | 208 | 210 | 1682 |
| Peter Dulchinos | 210 | 133 | 176 | 151 | 173 | 186 | 285 | 227 | 227 | 1768 |
| Rachel A. Goclawski | 190 | 129 | 164 | 141 | 153 | 191 | 231 | 200 | 207 | 1606 |
| Philip M. Eliopoulos | 290 | 161 | 232 | 204 | 243 | 257 | 333 | 282 | 278 | 2280 |

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| Ted R. Goclawski | 191 | 130 | 166 | 145 | 152 | 190 | 232 | 198 | 205 | 1609 |
| Joan B. Gutwien | 189 | 125 | 162 | 143 | 162 | 177 | 240 | 196 | 229 | 1623 |
| Mary Beth Hayes | 190 | 140 | 186 | 142 | 156 | 185 | 243 | 221 | 214 | 1677 |
| Verton W. Lenfest | 189 | 131 | 174 | 143 | 158 | 174 | 232 | 199 | 210 | 1610 |
| Sandra A. Martinez | 231 | 149 | 187 | 161 | 183 | 205 | 262 | 221 | 254 | 1853 |
| Michael F. McCall | 212 | 151 | 213 | 160 | 181 | 200 | 283 | 223 | 216 | 1839 |
| Muriel L. W. McGrann | 193 | 124 | 166 | 148 | 157 | 177 | 225 | 195 | 228 | 1613 |
| Ann B. McGuigan | 213 | 130 | 168 | 144 | 168 | 190 | 240 | 203 | 207 | 1663 |
| Ray W. Peterson | 193 | 130 | 167 | 139 | 155 | 177 | 229 | 199 | 208 | 1597 |
| Constance A. Pickard | 194 | 130 | 167 | 139 | 160 | 183 | 244 | 203 | 209 | 1629 |
| Paul J. Rigazio | 198 | 131 | 167 | 143 | 167 | 185 | 259 | 215 | 211 | 1676 |
| AnnMarie Roark | 234 | 145 | 177 | 168 | 198 | 218 | 276 | 231 | 228 | 1875 |
| Carol L. Sneden | 192 | 126 | 176 | 150 | 175 | 183 | 250 | 214 | 231 | 1697 |
| David E. Sneden | 199 | 127 | 175 | 149 | 167 | 178 | 251 | 213 | 235 | 1694 |
| M. Phinney Vaitses | 186 | 138 | 170 | 139 | 153 | 173 | 228 | 200 | 205 | 1592 |
| Kelly L. Curran | 123 | 71 | 101 | 91 | 122 | 127 | 115 | 121 | 101 | 972 |
| **Opening** | | | | | | | | | | 0 |
| **Opening** | | | | | | | | | | 0 |
| Anne Lise Sexton (does not qualify per SOS) | 2 | 1 | 3 | 0 | 2 | 2 | 4 | 2 | 7 | 23 |
| Write-In | 1 | 0 | 2 | 1 | 0 | 3 | 6 | 0 | 4 | 17 |
| Misc* | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **TOTAL** | 19845 | 12950 | 16450 | 15960 | 17360 | 19635 | 22260 | 19775 | 19390 | 163625 |

TOWN OF CHELMSFORD GREEN-RAINBOW PRIMARY FEBRUARY 5, 2008

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **PRESIDENTIAL PREF** | | | | | | | | | | |
| Blanks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jared ball | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ralph Nader | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 4 |
| Elaine Brown | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Kat Swift | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cynthia McKinney | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 2 |
| Kent Mesplay | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No Preference | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **TOTAL** | 0 | 2 | 1 | 1 | 1 | 2 | 0 | 0 | 2 | 9 |
| **STATE COMMITTEE MAN 5TH MLDSX** | | | | | | | | | | |
| Blanks | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 3 |
| Daniel Melnechuk | 0 | 2 | 0 | 1 | 1 | 1 | 0 | 0 | 1 | 6 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **TOTAL** | 0 | 2 | 1 | 1 | 1 | 2 | 0 | 0 | 2 | 9 |
| **STATE COMM WOMAN 5TH MLDSX** | | | | | | | | | | |
| Blanks | 0 | 2 | 1 | 0 | 1 | 2 | 0 | 0 | 2 | 8 |
| Write-In | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **TOTAL** | 0 | 2 | 1 | 1 | 1 | 2 | 0 | 0 | 2 | 9 |
| **TOWN COMMITTEE (10 Openings)** | | | | | | | | | | |
| Blanks | 0 | 20 | 10 | 4 | 10 | 20 | 0 | 0 | 20 | 84 |
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Write-In | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 6 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **TOTAL** | 0 | 20 | 10 | 10 | 10 | 20 | 0 | 0 | 20 | 90 |

TOWN OF CHELMSFORD WORKING FAMILIES PRIMARY FEBRUARY 5, 2008

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **PRESIDENTIAL PREF** | | | | | | | | | | |
| Blanks | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| No Preference | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Write-In | 1 | 1 | 0 | 1 | 2 | 0 | 0 | 1 | 0 | 6 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 1 | 1 | 0 | 1 | 2 | 0 | 1 | 1 | 0 | 7 |
| **STATE COMMITTEE MAN 5TH MLDSX** | | | | | | | | | | |
| Blanks | 1 | 0 | 0 | 1 | 2 | 0 | 1 | 1 | 0 | 6 |
| Write-In | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| TOTAL | 1 | 1 | 0 | 1 | 2 | 0 | 1 | 1 | 0 | 7 |
| **STATE COMM WOMAN 5TH MLDSX** | | | | | | | | | | |
| Blanks | 1 | 0 | 0 | 1 | 2 | 0 | 1 | 1 | 0 | 6 |
| Write-In | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 1 | 1 | 0 | 1 | 2 | 0 | 1 | 1 | 0 | 7 |
| **TOWN COMMITTEE (10 Openings)** | | | | | | | | | | |
| Blanks | 10 | 9 | 0 | 10 | 20 | 0 | 10 | 10 | 0 | 69 |
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Write-In | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 10 | 10 | 0 | 10 | 20 | 0 | 10 | 10 | 0 | 70 |

TOWN ELECTION APRIL 1, 2008

| *Candidate for Re-election | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **MODERATOR 3 Year Term (1)** | | | | | | | | | | |
| Blanks | 321 | 232 | 352 | 319 | 376 | 414 | 422 | 413 | 411 | 3260 |
| Dennis E. McHugh * | 753 | 501 | 705 | 637 | 733 | 984 | 1009 | 882 | 897 | 7101 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 2 | 2 | 4 | 2 | 4 | 4 | 1 | 3 | 3 | 25 |
| TOTAL | 1076 | 735 | 1061 | 958 | 1113 | 1402 | 1432 | 1298 | 1311 | 10386 |
| **SELECTMAN 3 Year Term (1)** | | | | | | | | | | |
| Blanks | 73 | 72 | 89 | 109 | 116 | 144 | 135 | 123 | 87 | 948 |
| Eric Richard Dahlberg | 547 | 399 | 564 | 467 | 512 | 666 | 693 | 665 | 693 | 5206 |
| Samuel P. Chase * | 455 | 262 | 407 | 382 | 480 | 590 | 603 | 510 | 531 | 4220 |
| Alex Buck | 0 | 0 | 0 | 0 | 3 | 2 | 0 | 0 | 0 | 5 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 1 | 2 | 1 | 0 | 2 | 0 | 1 | 0 | 0 | 7 |
| TOTAL | 1076 | 735 | 1061 | 958 | 1113 | 1402 | 1432 | 1298 | 1311 | 10386 |
| **SCHOOL COMMITTEE 3 Year Term (2)** | | | | | | | | | | |
| Blanks | 920 | 635 | 965 | 881 | 989 | 1173 | 1099 | 1074 | 1122 | 8858 |
| Angelo J. Taranto * | 630 | 443 | 625 | 533 | 621 | 879 | 907 | 828 | 790 | 6256 |
| Katherine H. Duffett * | 601 | 384 | 530 | 500 | 606 | 746 | 848 | 691 | 697 | 5603 |
| Bernard Lynch | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 6 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 1 | 8 | 2 | 2 | 10 | 6 | 4 | 3 | 13 | 49 |
| TOTAL | 2152 | 1470 | 2122 | 1916 | 2226 | 2804 | 2864 | 2596 | 2622 | 20772 |
| **LIBRARY TRUSTEE 3 Year Term (3)** | | | | | | | | | | |
| Blanks | 1548 | 1064 | 1586 | 1432 | 1629 | 2019 | 1916 | 1835 | 1886 | 14915 |
| Charles Wojtas | 592 | 402 | 547 | 534 | 650 | 798 | 829 | 730 | 731 | 5813 |
| Eric T. Groves, Sr * | 506 | 340 | 503 | 420 | 494 | 640 | 712 | 620 | 610 | 4845 |
| Margaret E. Marshall* | 581 | 393 | 547 | 488 | 562 | 747 | 837 | 707 | 700 | 5562 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 1 | 6 | 0 | 0 | 4 | 2 | 2 | 2 | 6 | 23 |
| TOTAL | 3228 | 2205 | 3183 | 2874 | 3339 | 4206 | 4296 | 3894 | 3933 | 31158 |
| **BOARD OF HEALTH 3 Year Term (1)** | | | | | | | | | | |
| Blanks | 404 | 279 | 442 | 383 | 447 | 522 | 507 | 498 | 504 | 3986 |
| Peter Dulchinos * | 672 | 454 | 619 | 573 | 662 | 878 | 925 | 799 | 806 | 6388 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 2 | 0 | 2 | 4 | 2 | 0 | 1 | 1 | 12 |
| TOTAL | 1076 | 735 | 1061 | 958 | 1113 | 1402 | 1432 | 1298 | 1311 | 10386 |
| **PLANNING BOARD 3 Year Term (2)** | | | | | | | | | | |
| Blanks | 1025 | 706 | 1038 | 941 | 1116 | 1351 | 1295 | 1200 | 1246 | 9918 |
| Ann B. McGuigan* | 562 | 366 | 523 | 463 | 523 | 710 | 726 | 643 | 666 | 5182 |
| James M. Lane, Jr | 564 | 396 | 561 | 508 | 584 | 740 | 842 | 752 | 703 | 5650 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 1 | 2 | 0 | 4 | 3 | 3 | 1 | 1 | 7 | 22 |
| TOTAL | 2152 | 1470 | 2122 | 1916 | 2226 | 2804 | 2864 | 2596 | 2622 | 20772 |

| *Candidate for Re-election | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **SEWER COMMISSION Year Term (2)** | | | | | | | | | | |
| Blanks | 947 | 645 | 975 | 877 | 1097 | 1235 | 1209 | 1157 | 1177 | 9319 |
| John F. Souza * | 615 | 431 | 571 | 545 | 558 | 826 | 838 | 735 | 741 | 5860 |
| Richard J. Day * | 589 | 389 | 574 | 488 | 565 | 741 | 817 | 702 | 701 | 5566 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 1 | 5 | 2 | 6 | 6 | 2 | 0 | 2 | 3 | 27 |
| **TOTAL** | 2152 | 1470 | 2122 | 1916 | 2226 | 2804 | 2864 | 2596 | 2622 | 20772 |
| **HOUSING AUTHORITY 5 Year Term (1)** | | | | | | | | | | |
| Blanks | 364 | 238 | 390 | 352 | 420 | 463 | 480 | 445 | 476 | 3628 |
| Mary E.St.Hilaire * | 712 | 496 | 670 | 603 | 688 | 937 | 952 | 852 | 833 | 6743 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 1 | 1 | 3 | 5 | 2 | 0 | 1 | 2 | 15 |
| **TOTAL** | 1076 | 735 | 1061 | 958 | 1113 | 1402 | 1432 | 1298 | 1311 | 10386 |
| **CEMETERY COMMISSION 3 Year Term (1)** | | | | | | | | | | |
| Blanks | 413 | 281 | 452 | 395 | 466 | 531 | 530 | 507 | 528 | 4103 |
| Peter S. Pedulla* | 663 | 449 | 608 | 561 | 646 | 869 | 902 | 791 | 783 | 6272 |
| Write-In | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Misc | 0 | 0 | 1 | 2 | 1 | 2 | 0 | 0 | 0 | 6 |
| **TOTAL** | 1076 | 735 | 1061 | 958 | 1113 | 1402 | 1432 | 1298 | 1311 | 10386 |
| **QUESTION 1** | | | | | | | | | | |
| Blanks | 13 | 9 | 12 | 11 | 18 | 33 | 22 | 20 | 8 | 146 |
| Yes | 469 | 274 | 395 | 364 | 514 | 702 | 686 | 513 | 628 | 4545 |
| No | 594 | 452 | 654 | 583 | 581 | 667 | 724 | 765 | 675 | 5695 |
| **TOTAL** | 1076 | 735 | 1061 | 958 | 1113 | 1402 | 1432 | 1298 | 1311 | 10386 |

TOWN ELECTION APRIL 1, 2008
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #1 |
|---|---|
| Blanks | 3250 |
| William E. Spence* | 575 |
| Steven D. Mitchell | 533 |
| Karen I. Kowalski* | 526 |
| Cynthia J. Kaplan * | 501 |
| Elizabeth A. McCarthy* | 552 |
| Ann B. McGuigan* | 519 |
| Write-in | 0 |
| Misc | 0 |
| TOTAL | 6456 |

TOWN ELECTION APRIL 1, 2008
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #2 |
|---|---|
| Blanks | 2907 |
| Thomas M. Crowe Jr * | 341 |
| George L. Merrill * | 407 |
| Mary Jo Welch* | 393 |
| John W. Thompson | 352 |
| | 0 |
| | 0 |
| | 0 |
| Write-in | 0 |
| Misc | 10 |
| TOTAL | 4410 |

| TOWN MTG REPRES (unexp 1YEAR) (3) | PCT #2 |
|---|---|
| Blanks | 2177 |
| | 0 |
| | 0 |
| | 0 |
| Write-in | 0 |
| Misc | 28 |
| TOTAL | 2205 |

TOWN ELECTION APRIL 1, 2008
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #3 |
|---|---|
| Blanks | 3286 |
| Patricia F. Magnell * | 457 |
| George R. Dixion Jr * | 508 |
| Michael F. Curran * | 519 |
| Pamela L. Armstrong | 526 |
| Thomas E. Moran * | 516 |
| Michael F. McCall * | 550 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 6366 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #4 |
|---|---|
| Blanks | 2766 |
| Stephen J. Maffeton | 321 |
| Andrew J. Green | 373 |
| Joel M. Karp * | 306 |
| Henry A. Houle * | 316 |
| Brenda E. Plunkett | 352 |
| Elizabeth M. Ripsom * | 317 |
| Kirk D. Marshall | 342 |
| Sandra M. Rega * | 277 |
| Brian P. Latina * | 374 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 5748 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #5 |
|---|---|
| Blanks | 3090 |
| Jon H. Kurland * | 420 |
| Edwin Paul Eiksen * | 472 |
| Matthew J. Hanson | 468 |
| Thomas E. Gazda | 389 |
| Evelyn S. Thoren * | 400 |
| Angelique M. Eliopoulos | 594 |
| Cheryl M. Perkins * | 470 |
| Glenn R. Thoren* | 373 |
| Write-in | 0 |
| Misc | 2 |
| TOTAL | 6678 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #6 |
|---|---|
| Blanks | 3761 |
| Howard J. Hall * | 511 |
| Roy W. Earley | 532 |
| Mary E. Frantz* | 617 |
| Matthew T. Cilento | 425 |
| Ralph M. Nebalski* | 408 |
| Michael A. Combs | 511 |
| Deborah L. Dery | 562 |
| John P. Kivlan * | 654 |
| Edmond N. Roux* | 424 |
| Write-in | 0 |
| Misc | 7 |
| TOTAL | 8412 |

| TOWN MTG REPRES (unexp 2YEAR) (1) | PCT #6 |
|---|---|
| Blanks | 371 |
| Joanne M. Anderson | 530 |
| Laurie A. Myers | 500 |
| Write-in | 0 |
| Misc | 1 |
| TOTAL | 1402 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #7 |
|---|---|
| Blanks | 3498 |
| Stratos G. Dukakis * | 761 |
| Clare L. Jeannotte * | 734 |
| Paul F. Gleason * | 778 |
| Linda J. Fall * | 708 |
| R. Kenley Freeman * | 689 |
| Alexander E. Buck | 742 |
| Peter Dulchinos* | 678 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 8592 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #8 |
|---|---|
| Blanks | 3802 |
| Angelo J. Taranto * | 747 |
| Dennis J. Ready * | 687 |
| Deborah Villano | 641 |
| Bruce I. Mandel | 622 |
| Gail T. Zaharoolis * | 608 |
| Walter A. Cleven* | 675 |
| Write-in | 0 |
| Misc | 6 |
| TOTAL | 7788 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #9 |
|---|---|
| Blanks | 4032 |
| Susan B. Graves * | 673 |
| William P. Griffin* | 598 |
| Anna P. Graves | 657 |
| James L. Hickey * | 626 |
| Leonard E. Westgate | 642 |
| LeighAnn P. Sciacca | 629 |
| Write-in | 0 |
| Misc Write-In | 9 |
| TOTAL | 7866 |

| TOWN MTG REPRES (unexp 2YEAR) (1) | PCT #9 |
|---|---|
| Blanks | 529 |
| Scott D. Berglund | 781 |
| Write-in | 0 |
| Misc | 1 |
| TOTAL | 1311 |

# Reps Highest to Lowest

TOWN ELECTION APRIL 1, 2008
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #1 |
|---|---|
| Blanks | 3250 |
| William E. Spence* | 575 |
| Elizabeth A. McCarthy* | 552 |
| Steven D. Mitchell | 533 |
| Karen I. Kowalski* | 526 |
| Ann B. McGuigan* | 519 |
| Cynthia J. Kaplan * | 501 |
| Write-in | 0 |
| Misc | 0 |
| TOTAL | 6456 |

TOWN ELECTION APRIL 1, 2008
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #2 |
|---|---|
| Blanks | 2907 |
| George L. Merrill * | 407 |
| Mary Jo Welch* | 393 |
| John W. Thompson | 352 |
| Thomas M. Crowe Jr * | 341 |
| | 0 |
| | 0 |
| | 0 |
| Write-in | 0 |
| Misc | 10 |
| TOTAL | 4410 |

| TOWN MTG REPRES (unexp 1YEAR) (3) | PCT #2 |
|---|---|
| Blanks | 2177 |
| | 0 |
| | 0 |
| | 0 |
| Write-in | 0 |
| Misc | 28 |
| TOTAL | 2205 |

TOWN ELECTION APRIL 1, 2008
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #3 |
|---|---|
| Blanks | 3286 |
| Michael F. McCall * | 550 |
| Pamela L. Armstrong | 526 |
| Michael F. Curran * | 519 |
| Thomas E. Moran * | 516 |
| George R. Dixion Jr * | 508 |
| Patricia F. Magnell * | 457 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 6366 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #4 |
|---|---|
| Blanks | 2766 |
| Brian P. Latina * | 374 |
| Andrew J. Green | 373 |
| Brenda E. Plunkett | 352 |
| Kirk D. Marshall | 342 |
| Stephen J. Maffeton | 321 |
| Elizabeth M. Ripsom * | 317 |
| Henry A. Houle * | 316 |
| Joel M. Karp * | 306 |
| Sandra M. Rega * | 277 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 5748 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #5 |
|---|---|
| Blanks | 3090 |
| Angelique M. Eliopoulos | 594 |
| Edwin Paul Eiksen * | 472 |
| Cheryl M. Perkins * | 470 |
| Matthew J. Hanson | 468 |
| Jon H. Kurland * | 420 |
| Evelyn S. Thoren * | 400 |
| Thomas E. Gazda | 389 |
| Glenn R. Thoren* | 373 |
| Write-in | 0 |
| Misc | 2 |
| TOTAL | 6678 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #6 |
|---|---|
| Blanks | 3761 |
| John P. Kivlan * | 654 |
| Mary E. Frantz* | 617 |
| Deborah L. Dery | 562 |
| Roy W. Earley | 532 |
| Howard J. Hall * | 511 |
| Michael A. Combs | 511 |
| Matthew T. Cilento | 425 |
| Edmond N. Roux* | 424 |
| Ralph M. Nebalski* | 408 |
| Write-in | 0 |
| Misc | 7 |
| TOTAL | 8412 |

| TOWN MTG REPRES (unexp 2YEAR) (1) | PCT #6 |
|---|---|
| Blanks | 371 |
| Joanne M. Anderson | 530 |
| Laurie A. Myers | 500 |
| Write-in | 0 |
| Misc | 1 |
| TOTAL | 1402 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #7 |
|---|---|
| Blanks | 3498 |
| Paul F. Gleason * | 778 |
| Stratos G. Dukakis * | 761 |
| Alexander E. Buck | 742 |
| Clare L. Jeannotte * | 734 |
| Linda J. Fall * | 708 |
| R. Kenley Freeman * | 689 |
| Peter Dulchinos* | 678 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 8592 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #8 |
|---|---|
| Blanks | 3802 |
| Angelo J. Taranto * | 747 |
| Dennis J. Ready * | 687 |
| Walter A. Cleven* | 675 |
| Deborah Villano | 641 |
| Bruce I. Mandel | 622 |
| Gail T. Zaharoolis * | 608 |
| Write-in | 0 |
| Misc | 6 |
| TOTAL | 7788 |

**TOWN ELECTION APRIL 1, 2008**
***Candidate for Re-election**

| TOWN MTG REPRES (3 YEARS) (6) | PCT #9 |
|---|---|
| Blanks | 4032 |
| Susan B. Graves * | 673 |
| Anna P. Graves | 657 |
| Leonard E. Westgate | 642 |
| LeighAnn P. Sciacca | 629 |
| James L. Hickey * | 626 |
| William P. Griffin* | 598 |
| Write-in | 0 |
| Misc Write-In | 9 |
| TOTAL | 7866 |

| TOWN MTG REPRES (unexp 2YEAR) (1) | PCT #9 |
|---|---|
| Blanks | 529 |
| Scott D. Berglund | 781 |
| Write-in | 0 |
| Misc | 1 |
| TOTAL | 1311 |

**TOWN OF CHELMSFORD**

**WARRANT FOR**
**ANNUAL TOWN ELECTION**
**April 1, 2008**

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, VIZ:

| | |
|---|---|
| Precinct 1. | Town Offices Gymnasium, 50 Billerica Road |
| Precinct 2. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 3. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 4. | Westlands School Cafetorium, 170 Dalton Road |
| Precinct 5. | Byam School Cafetorium, 25 Maple Road |
| Precinct 6. | Westlands School Cafetorium, 170 Dalton Rd |
| Precinct 7. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 8. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 9. | Town Offices Gymnasium, 50 Billerica Road |

On Tuesday, the **1st day of April, 2008** being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their votes for the following officers:

***One*** Moderator for three years;

***One*** Selectmen for three years;

***Two*** School Committee Member for three years;

***Three*** Library Trustees for three years;

***One*** Board of Health Member for three years;

***Two*** Planning Board Members for three years;

***Two*** Sewer Commissioners for three years;

***One*** Housing Authority Member for five years;

***One*** Cemetery Commissioner for three years;

**QUESTION 1:** Shall the Town of Chelmsford be allowed to assess an additional $2,800,000 in real estate and personal property taxes for the purposes of funding the operating budget of the Municipal Government and the Public Schools for the fiscal year beginning July 1, 2008?

**Yes**
**No**

and to bring in their votes for the following:

***Fifty-four*** Representative Town Meeting Members for three years in Precincts 1 through 9

And various additional Representative Town Meeting Members:

***Three*** Representative Town Meeting Members for an unexpired one year term in Precinct 2

***One*** Representative Town Meeting Member for an unexpired two year term in Precinct 3

***One*** Representative Town Meeting Member for an unexpired two year term in Precinct 9

and to meet in the Senior Center, 75 Groton Road, North Chelmsford, on Monday, the twenty-eighth day of April, at 7:30 p.m. in the evening, then and there to act upon the following articles, VIZ:

**ARTICLE 1.** To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

**ARTICLE 2.** To see if the Town will amend the Fiscal Year 2008 operating budget under Article 7 of the Annual Town Meeting held on April 30, 2007 and amended by Article 5 of the Annual Fall Town Meeting held on October 15, 2007; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 3.** To see if the Town will vote, in accordance with the provisions of M.G.L. Chapter 41, Section 108, to set the annual salary and compensation of elected officers of the Town for Fiscal Year 2009; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 4.** To see if the Town will vote to raise and appropriate, or transfer from available funds such sums of money as may be required to defray Town charges for the fiscal period July 1, 2008 to June 30, 2009; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 5.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a certain sum of money for the FY09 budget to operate the Sewer Enterprise; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 6.** To see if the Town will vote to raise and appropriate, or transfer from available funds such sums of money to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 7.** To see if the Town will vote to authorize revolving funds under Massachusetts General Law, Chapter 44, Section 53E ½ for the following departments in Fiscal Year 2009 with expenditures from said funds shall be limited to a certain sum as specified during Fiscal Year 2009:

- **Town Clerk**: The receipts to be credited to the fund shall be from the collection of fees from rabies clinic, pound and adoption fees. The Town Clerk shall be authorized to spend money from the fund for the purpose of providing improvements associated with the dog pound and programs and expenses associated with the licensing of animals. Expenditures from the program shall be limited to **$10,000** during Fiscal Year 2009.

- **Council on Aging:** The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip Program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip Program. Expenditures from the Senior Trip program revolving fund shall be limited to **$300,000** during Fiscal Year 2009.

- **Police Department:** The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to **$20,000** during Fiscal Year 2009.

- **Inspection Department**: The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to **$9,000** during Fiscal Year 2009.

; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 8.** To see if the Town will vote to appropriate a certain sum of money for the following capital projects:

## FY2009 PROPOSED CAPITAL BUDGET

| Function | Department /Location | Project | Expenditure |
|---|---|---|---|
| | Planning & Development | Geographic Information Systems | $70,000 |
| | Information Technology | Network Replacement | $250,000 |
| | | *Municipal Administration Subtotal* | $320,000 |
| | Fire | Staff Vehicle Replacement (1999) | $35,000 |
| | | Engine 3 Replacement (1989) | $310,000 |
| | | *Public Safety Subtotal* | $345,000 |
| | Engineering | ½ Ton Pick Up Truck Replacement | $26,000 |
| | Highway | Highway Garage Ventilation | $35,000 |
| | | One Ton Dump Truck | $40,000 |
| | | ½ Ton Pick Up Truck Replacement | $26,000 |
| | Parks Division | Pick Up Truck Replacement | $30,000 |
| | | *Public Works Subtotal* | $157,000 |
| | Byam Elementary | Floor Tile Replacement | $100,000 |
| | Westlands Elementary | Floor Tile Replacement | $80,000 |
| | High School | Security – Enclose Stairwells | $625,000 |
| | | Carpet, Casework&Furniture Library, IDC | $270,000 |
| | | Lockers | $258,000 |
| | Library | Replace Telephone / Intercom System | $26,993 |
| | Council on Aging | Parking Lot Repavement | $36,560 |
| | | *Public Facilities Subtotal* | $1,396,553 |
| | Technology | Blade Servers - School | $200,000 |
| | | Blade Servers - Town | $40,000 |
| | | Smart Boards & Projectors | $102,000 |
| | | *School Department Subtotal* | $342,000 |
| **CAPITAL PROJECTS TOTAL** | | | **$2,560,553** |

And to see if the Town will vote to raise an appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money to fund these obligations, and to further authorize the Town Manager to enter into lease/ purchase agreements in excess of three years; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
**Town Manager**
**Capital Planning Committee**

**ARTICLE 9.** To see if the Town will vote to authorize the Sewer Commission to enter into an inter-municipal agreement with the Chelmsford Water District pursuant to the provisions of

Massachusetts General Laws Chapter 40, Section 4A, for the purpose of including in the construction contract for the Robin Hill Road Area Lateral Sewer Project, Contract No. 06-2, being undertaken by the Sewer Commission certain water distribution system upgrades in the same area, said inter-municipal agreement to provide that the Chelmsford Water District shall be responsible for paying the portion of the construction contract price for those costs attributable to the water distribution upgrades in the amount of $504,198.00, plus engineering costs as agreed to by the Sewer Commission and the Chelmsford Water District, and to pay any additional costs that are due and payable under the construction contract attributable to the water distribution system upgrades provided any such additional costs are incurred with the prior consent of the Chelmsford Water District; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

**ARTICLE 10.** To see if the Town will vote to appropriate $12,500,000 for designing and constructing sewers, pump stations, and force mains for Phases 4H and 4I of the Sewer Project, including related legal, administrative and other pertinent expenses and the acquisition by purchase, eminent domain, or otherwise of all necessary easements and rights in land; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow $12,500,000 under Massachusetts General Laws, Chapter 44, Section 8 (15); that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c. 78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal and state aid available for the projects or for the financing thereof; that the Board of Selectmen is authorized to enter into a Project Regulatory Agreement with the Department of Environmental Protection, to expend all funds available for the project; that the Sewer Commission is authorized to contract for and expend any federal, state or other aid available for the project as set forth above; that the betterments shall be assessed by the uniform unit method and that 100 percent of the project costs including the payment of the principal of and interest on any borrowing incurred pursuant to this vote, shall be paid through funds transferred from the Sewer Betterment Special Revenue Account, and through funds accumulated in the Sewer Enterprise Fund through a $0.55 per 1,000 gallon increase to the Sewer User Charges; and that the Sewer Commission is authorized to take any other action necessary to carry out this project; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

**ARTICLE 11.** To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Park Road/Cambridge Street Area – Phase 4H Sewers" dated March 2008, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all

other appurtenances thereto; and to see if the Town will vote to raise and appropriate from the stabilization fund, transfer or appropriate from revenue sharing funds and/or borrow a certain sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying damages which may be awarded as the result of any such taking; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

**ARTICLE 12.** To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of money to be expended by the Fire Chief for the establishment and operation of a Fire Department-based emergency ambulance service. Said expenses may include the purchase, lease, or lease-purchase of an ambulance(s); the equipping , supplies, and maintenance of an emergency ambulance(s); and the salaries, benefits, and other personnel costs relating to the operation of an emergency ambulance(s); or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 13.** To see if the Town will vote to Transfer a certain sum of money from the Sale of Graves and Lots to the Cemetery Improvement and Development fund; or act in relation thereto.

SUBMITTED BY: **Cemetery Commission**

**ARTICLE 14.** To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation budget and:

A. To appropriate from FY2009 Community Preservation Fund revenues the following:

(1) **a sum of money** to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2009;

and further,

B. To reserve for future appropriation amounts from FY2009 Community Preservation Fund revenues as recommended by the Community Preservation Committee:

(1) a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use,
(2) a sum of money for the acquisition and preservation of historic resources,
(3) a sum of money for the creation, preservation and support of community housing;
(4) a sum of money for the Community Preservation Fund FY2009 Budgeted Reserve

: Or act in relation thereto.

SUBMITTED BY: **Community Preservation Committee**

**ARTICLE 15.** To see if the Town will vote to return unexpended Historic Preservation accounts to the Historic Preservation Reserve, and to return unexpended Community Housing accounts to the Community Housing Reserve; or act in relation thereto.

SUBMITTED BY: **Community Preservation Committee**

**ARTICLE 16.** To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund Community Housing Reserve for the creation of Community Housing by the Chelmsford Housing Authority for the Harding/Putnam Street Senior Affordable Housing Project; or act in relation thereto.

SUBMITTED BY: **Community Preservation Committee**

**ARTICLE 17.** To see if the Town will vote to amend The Town Code, Chapter 20, "Conservation Commission", Article I, § 20-1, "Use Restrictions", and Article II, § 20-2, "Performance Bonds", to delete in their entirety, or act in relation thereto.

*This article amends the Code by deleting the conservation reservations use restrictions as adopted by town meeting in 1969 in addition to the performance bonds previsions as adopted by town meeting in 1975. This Bylaw is no longer needed as Conservation Commission has adopted new Use Regulations pursuant to the Conservation Commission Act (G.L. Ch. 40 §8C).*

SUBMITTED BY: **Conservation Commission**

**ARTICLE 18.** To see if the Town will vote to amend The Town Code, Chapter 187, "Wetland Bylaw", § 187-21, "Violations and Penalties", as it appears below, or act in relation thereto.

§187-21. Violations and penalties.
Any person who violates any provision of this chapter or of any conditions of a permit issued pursuant to it shall be punished in accordance with Chapter I, Article II, § 1-2 "Non-Criminal Disposition" of the General Code ~~by a fine of not more than $300.~~ Each day or portion thereof during which a violation continues shall constitute a separate offense. This chapter may be enforced by the Conservation Commission Agent or designee of the Conservation Commission, a town Police Officer or other officer having police powers. ~~a town police officer or other officer having police powers.~~ Upon request of the Commission's, the Board of Selectmen and Town Counsel shall take such legal action as may be necessary to enforce this chapter and permits issued pursuant to it.

*This article amends the Wetlands Bylaw by designating the Conservation Commission Agent as the "enforcing person", for purposes of initiating enforcement action for violations of the local Bylaw and conditions of a permit issued pursuant to it, in accordance with the Non-Criminal Disposition Previsions of the General Code and removes the town police officer as the enforcing person.*
*This amendment would strengthen the Commissions ability to enforce violations to its Bylaw and Permits while reducing the enforcement burden on the police department.*

SUBMITTED BY: **Conservation Commission**

**ARTICLE 19.** To see if the Town will vote to amend The Town Code, Chapter 187, "Wetland Bylaw", § 187-4, "Limitations on Construction", sub-section B, as it appears below, or act in relation thereto.

B. ~~Construction of a building shall not include any reconstruction, alteration, extension or structural change to a building existing on October 15, 1990.~~
B. The reconstruction, alteration, extension or structural change of buildings existing on or before October 15, 1990, shall be exempt from the provisions of (A) above; however said work shall require approval from the Commission if within its jurisdiction.

*This amendment will clarify the legislative intent and current interpretation by the Conservation Commission.*

SUBMITTED BY: **Conservation Commission**

**ARTICLE 20.** To see if the Town will vote to amend The Town Code, Chapter 195, "Zoning Bylaw", Article XX "Terminology", § 195-108, "Word usage and definitions" as follows; or act in relation thereto.

Parking Garage – a structure which is accessory (remainder not included for brevity)
Parking Lot / Area – an off-street area, including parking spaces, loading areas and all associated maneuvering areas such as aisles and access drives, serving as an accessory use for the parking of vehicles and available to the public as an accommodation for clients, customers or employees.
Recharge Area – an area of geologic (remainder not included for brevity)

*This article specifically defines "parking lot / area" for purposes of providing clarification to existing zoning provisions as it pertains to parking and landscaping requirements.*

SUBMITTED BY: **Planning Board**

**ARTICLE 21.** To see if the Town will vote to amend The Town Code, Chapter 195, "Zoning Bylaw", Article XIX "Administration and Enforcement", § 195-104, "Site Plan Review", sub-section A. (2) as follows; or act in relation thereto.

(2) Construction or expansion of a parking lot / area ~~resulting in the construction of five or more spaces~~ for a municipal, institutional, commercial, industrial or multi-family structure or purpose.

*This article would require Site Plan review for the construction or expansion of any parking lot / parking area, as defined in the preceding article. Currently, only parking lots / areas resulting in more than 5 spaces trigger Site Plan Review.*

*Since the construction of a parking lot does not require the submission of a building permit to the Building Inspector, the existing exemption of 4 or fewer spaces results in a situation whereby there is no review to verify compliance with other zoning provisions such as landscaping, parking and drainage requirements and the aquifer protection district.*

*Therefore, this exemption and lack of any review, often results in a property owner inadvertently violating other zoning provisions, such as setbacks, buffering and runoff, intended to protect abutting properties.*

*The adoption of this article would strengthen the Town's ability to ensure compliance with the provision of the zoning bylaw and ensure adequate protection of abutting properties.*

SUBMITTED BY: **Planning Board**

**ARTICLE 22**. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation to provide that the development by the Chelmsford Housing Authority (or by any entity directly or indirectly owned, controlled or managed by the Chelmsford Housing Authority or its board members) of a new affordable housing project on land located on the northwesterly side of Harding Street and northeasterly of but not adjacent to Putnam Road containing 110,135 square feet more or less, or any part thereof, shall not be subject to any general or special law related to the procurement and award of contracts for the design, construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency, but shall remain subject to sections 25 to 27B, inclusive, of chapter 149 of the General Laws. Contracts for the construction, reconstruction, alteration, remodeling or repair of any publicly owned works which service such project and would otherwise be subject to section 39M of chapter 30 of the General Laws shall not be exempted by the legislation from said section 39M. Any conveyance of the land or the project, whether by leasehold or fee estate, to a private entity shall be subject to chapter 30B of the General Laws to the extent such land or project is conveyed to an entity which is not directly or indirectly owned, controlled or managed by the Chelmsford Housing Authority or its board members on the date of the conveyance; provided that the General Court may vary the form and substance of the requested legislation within the scope of the general objectives of this petition; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 23.** To see if the Town will vote to approve the layout of the Bruce Freeman Rail Trail as shown on a Right of Way and Track Map entitled " Old Colony Railroad Company " dated June 30, 1915, sheets 20 - 25 on file with the Town Clerk; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 24.** To see if the Town will vote to amend the Trash Bylaw as follows:

1. The annual revenue raised by the Trash Override shall include the growth factor as permitted by Massachusetts Law.
2. Any and all Funds collected as a Fee or Charge for trash or recycling shall accrue to the Trash Account.
3. All funds raised by fines and/or administrative or other charges related to this bylaw shall accrue to the Trash Account.
4. The only salaries and employee benefits that may be paid from Trash Funds shall be

limited to that of the Trash/Recycling coordinator and other employees, required for implementing the specific purposes of this article.

5. Non-salary costs related to promoting or informing Town Residents about recycling and trash collection may be paid with Trash Fund monies.
6. No indirect costs, utility charges, rent or management charges shall be charged to the Trash Account.
7. Any Town Department or facility that fails to have an aggressive and effective recycling program shall pay the costs of Trash Collection and Removal from funds appropriated to said Department.
8. The cost of providing leaf pickup and disposal shall be provided by the Trash Account.

The Town is authorized to perform leaf composting, from leaves picked up, on appropriate Town land. Any net income realized from the sale of compost shall accrue to the Trash Account.

SUBMITTED BY: **Citizen Petition**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 10th day of March, 2008

**BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD:**

Samuel P. Chase, Chairman

Philip M. Eliopoulos, Vice Chairman

Clare L. Jeannotte, Clerk

William F. Dalton

Patricia Wojtas

**NOTICE OF PROPOSED DATES**
**AND TIMES FOR CONTINUED SESSIONS OF THE**
**TOWN MEETING**

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of April 28, 2008:

**Thursday, May 1, 2008 at 7:30 p.m.**

**Monday, May 5, 2008 at 7:30 p.m.**

**Thursday, May 8, 2008 at 7:30 p.m.**

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to Town of Chelmsford Code Chapter 154-9, these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. March 12, 2008

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence, Constable

A True Copy Attest:

William E. Spence

William E. Spence, Constable

**Annual Town Meeting**
**April 28, 2008**

The Annual Town Meeting was called to order at 7:30 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **143** Town Meeting Representatives present. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions. Town Counsel for this meeting from Koplemen and Paige would be Attorney John Giorgio. The Moderator then asked for a moment of silence in honor of past elected officials. Richard Tevlin who was an Assessor from 1988 to 1991 died on January 10th. David Ramsay who was a Park Commissioner from 1959 to 1974 died on February 29th and Robert Hall who died on April 20th was on the School Committee from 1971 to 1977, Member of Community Preservation from 2001 to 2004, and a Town Meeting Representative for Precinct 5 from 1995 to 2005. Selectman Philip M. Eliopoulos moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. **Motion carried, unanimously.** Selectman Philip M. Eliopoulos moved that the reading of the entire warrant be waived. **Motion carried, unanimously**.

**UNDER ARTICLE 1.** Selectman Philip M. Eliopoulos moved that the Town vote to hear reports of the Town Officers and Committees.

The Town Manager said that Patrick Maloney will give a report of the reimbursement from the State regarding the School Building Project. And then give a brief progress report on the Fire-DPW Facility. Then Evan Belansky will update the body on the utilities project in the Center.

Patrick Maloney came forward and gave a brief report. He explained that he is the Chairman of both the School Building Committee and the DPW Fire Facility projects and his reports will be brief. Currently the Town is waiting for reimbursement from the State for the School Project. The Committee had submitted all the required information and papers work. The Massachusetts School Building Authority forced the Committee to have the project broken down into three phases to prioritize the project. So the Committee started with the High School because that was the most expensive phase. The Town was notified in the Fall that the application had been accepted. The primary reimbursement rate was set. The assessment came in a 49.3% MSBA said that the Town may be able to get another 5% because of side items that had been done. The total expected reimbursement is 55% perhaps even 58% of an $18 million dollar project. The Committee is still waiting for further information which is called a scope and budget agreement. The Town reviews this and would then have to respond at a meeting scheduled for May 21st. The turn around time to accomplish this isn't feasible. Instead the Committee is planning on responding to a meeting scheduled for July 28th and if everyone agrees and a vote is taken once filed, then fifteen days later the Town should receive a check, which would be in August. Then the Committee would turn around and start the process all over again next year for the McCarthy which is the next most costly project. And the Parker would be the year after. Hoping for $3.5 to $4 million for the McCarthy and $2million for the Parker. The MSBA was very happy with the project especially because money was spent on renovations and the Town was frugal with the money spent. They also called it a model project. Pat Maloney then talked about the DPW Fire Facility Project. The Committee had been on a hiatus until the

result of the over-ride was determined and have only met two times. Weston and Sampson and H K S Architects will start to attend the meetings. Over the summer months the Committee will develop models of the Fire Departments and DPW needs. Currently the DPW will remain on Richardson Rd but the Committee is reviewing other locations and will come back to the Fall meeting with more of a presentation. The Body responded with a round of applause.

Evan Belansky Director of Community Development reported that since November 2007 he has had staff meetings with Verizon and identified potential phasing plans. This past January Town Officials met with National Grid and discussed the potential phasing plan. He then updated the Board of Selectmen on the progress and they in turn endorsed the phasing plan and endorsed suspension of the National Grid surcharge, which is pending Town Counsel's legal review at this time. In February staff met with both Verizon and National Grid and discussed further steps for implementation. In developing the phasing strategy there were a series of criteria to determine the phasing. In order to expedite the implementations they had to operate within certain constraints regarding easements and financial balances for the utility companies. More important to the Town was a logical location which compliments other Town investments and initiatives. Then there is the potential to suspend the National Grid 2% surcharge. The phasing plan will be viewed as a pilot to determine whether to move forward with the project. He showed a copy of the proposed phasing plan. It targets around the central business area and is broken into three phases. Phase 1 is the area around the Common area and possibility onto Chelmsford St. Also it will take in the transportation improvements and the bike trail. The next steps are finalizing the construction plans in June go out for bid and start construction in the Spring of 2009. Phase 1 would have three phases of construction over a 2-3 year construction season. First would be 4 to 6 months of conduit work to complete. Second would be actual installation of conduits. Third would be the removing of the overhead wires and restoration of new paving, sidewalks and curbing. Both utilities estimate that the cost would be $1.2 million each and that is subject to a plus or minus 25% based upon the final construction bids as it pertains to the unfinished public transportation investments. Peggy Dunn questioned that the phase 1 would only be a pilot. She was very concerned that the whole project may not be completed. She felt that the project has dragged and questioned what would happen to the bike path area. Where it crosses Central Sq it will be part of the phase 1. How long will it take to complete Phase 1? From 2009 to 2012. What would prevent it from not continuing? Funding due to Verizon not having the funds. Brian Latina how much has been spent on the project. The Town Manager responded by saying Verizon has spent $651,736 to the end of the last calendar year with a balance of $400,000. This was mostly spent on engineering. The problem is that Verizon can only have a surcharge on land line phones only. No charge can be applied to a cell phone and no charge to a Comcast customer. It is an archaic law. That is why the Town is doing the project in phases. National Grid has spent $561,000 with a balance of $4,655,202 and the money can't be used interchangeably. That is why the BOS is trying to get National Grid to suspend the surcharge. There is most likely enough money in the Nation Grid account to cover their portion of phase 2 and 3 already. Brian Latina would like to have an audit of the money spent. The Town is seeking to get more information. The Moderator asked for a show of hands on accepting the reports **Motion carried**.

**UNDER ARTICLE 2.** Town Manager Paul E. Cohen moved that the Town vote to amend the Fiscal Year 2008 operating budget approved under Article 4 of the Annual Town Meeting held on April 30, 2007 and amended by Articles 6 and 7 of the Annual Fall Town Meeting held on October 18, 2007 by transferring from the Stabilization Fund the sum of $1,102,110 to increase the following line items by the respective amounts:

Line Item # 8, Public Works Expenses (Snow and Ice): **$512,074**
Line Item #17, Community Services Expenses: **$23,500**
Line Item #21, Debt Principal: **$366,000**
Line Item #22, Debt Interest: **$200,536**

The Town Manager explained the requested increases. Under the Public Works this is due to the amount of snow storms that had to be dealt with over this past winter. The cost of fuel and salt has increased and this requires an increase in the line item. Under Community Service this is regarding the Veterans Agent's line item. There has been more assistance needed in the Department because of the current global situation. It is a State law that the benefits requirements are met. The State will reimburse the Town 75% for these costs. Under the Debt Principal he explained that the Town is waiting for reimbursement for the School Project. It was thought that it would be sent in March, now it looks more then likely it will be in July. The Town must pay the principle on the note which is due in May and this is the amount needed. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked for any debate, hearing none he asked for a vote by way of a show of hands, **motion carried, unanimously.**

**UNDER ARTICLE 3.** Town Manager Paul E. Cohen moved that the Town vote in accordance with the provisions of M.G.L. Chapter 41, Section 108, to set the annual salary and compensation of the following elected officers of the Town for Fiscal Year 2009:

- Chairman of the Board of Selectmen: $ 2,000.00
- Member of the Board of Selectmen: $ 1,500.00
- Chairman of the School Committee: $ 1,200.00
- Member of the School Committee: $ 1,000.00
- Chairman of the Board of Health: $ 660.00
- Member of the Board of Health: $ 600.00
- Member of the Cemetery Commission: $ 100.00
- Town Moderator: $ 300.00
- Constable: $ 50.00 per posting

The Town Manager explained that due to the recent Charter amendment the Board of Selectmen formed a committee to study stipends and he commended the Committee for all the hard work that they had accomplished in the short time frame that they had. The Selectmen reviewed the recommendations made by the Stipend Committee and is putting forth the amounts shown in the article. The Board also voted to eliminate health insurance benefits to all elected officials. Any elected official who is currently receiving the benefit will continue to do so until the end of their current term of office. Karen DeDonato asked why retired officials are eligible. The Manager explained that after they serve ten years they become vested and if they retire at 55 years of age or older they are eligible for health benefits by paying the 40% retiree's rate. George Ripsom wanted to know why the School Committee was listed with a different rate from the BOS when the Stipend Committee recommended that they all would receive the same rate as Chairman and members. The Manager explained that the BOS felt that they appear at more functions etc and not to sound pompous they are the highest elected officials. Thomas Fall questioned if the vested elected officials will lose their health care. No

they will not. Brian Latina questioned if there are no stipends will these elected officials be eligible for expenses. Yes. Kenley Freeman who was a member of the Stipend Committee said that the Committee had voted that the Chairmen of the BOS and School each receive $2,000 and the other members receive $1,500 ea. None of the other elected officials were to receive any stipends. Karen Kowalski said that there should be no stipends, stop the cycle. The Moderator asked for any further questions, hearing none he asked for the recommendations. The Finance Committee recommended on the article. The Board of Selectmen recommended the article. He then asked if there was any debate. Karen DeDonato made a motion to amend the article with the following wording: To set the annual salary and compensation of the following elected officers of the town for fiscal year 2009.

| | |
|---|---|
| Chairman of the Board of Selectmen: | $ 2,000.00 |
| Member of the Board of Selectmen: | $ 1,500.00 |
| Chairman of the School Committee: | $ 2,000.00 |
| Member of the School Committee: | $ 1,500.00 |

And delete remaining names and amounts.

Karen DeDonato then explained her motion to amend. She said that the Stipend Committee had only recommended these people with these amounts and that is what the Body should vote on. Peter Dulchinos spoke against the motion to amend. He felt that because the Stipend Committee didn't communicate with the Board of Health that they are not fully aware of what the Elected Officials do in their roles and what they provide to the Town in service. The Moderator asked if there was any further debate, hearing none he asked for a vote by way of a show of hands on the motion to amend, **motion defeated.** More discussion took place. Brian Latina said that the word "stipend" is an unfunded liability regarding health care cost. He will vote no for stipends however the Town should pay any and all expenses the Officials incur. George Ripsom questioned the word stipend vs salary. It is one in the same meaning. Fran McDougall wanted to know if a limit could be "set or up to" on expenses. Town Counsel John Giorgio recommended against doing this because an expense is an expense and must be paid. Bill Martin spoke in favor of the stipends. He said this is a way to cover the unforeseen expenses. Officials have other expenses that can not be submitted such as baby sitting, meals, etc on nights that meetings or events occur. Brian Latina made a motion to move the question to stop debate. The Moderator asked for a show of hands **motion carried.** He then asked for a vote by way of a show of hands, which left the Chair in doubt. The following tellers came forward and conducted a hand count:

Dorothy Frawley, John Maleski, Janet Holmes, Gloria Makarevich, the result was
**Yes 59 No 66 motion defeated**

**UNDER ARTICLE 4** Town Manager Paul E. Cohen moved that the Town vote to raise and appropriate the sum of **$95,059,434;** transfer **$7,500** from the Wetlands Protection Act Revolving Fund; **$431,090** from Sewer User Revenues; and **$100,000** from the Childcare Revolving Fund to defray Town charges for the fiscal year period of July 1, 2008 to June 30, 2009 according to the following items:

**Municipal Administration**

| | |
|---|---|
| 1. Personnel Services | $1,420,555 |
| 2. Expenses | $829,549 |

| | |
|---|---|
| **Chelmsford Public Schools** | |
| 3. Expenses | $45,017,232 |
| **Nashoba Valley Technical High School** | |
| 4. Assessment | $1,624,488 |
| **Out of District Education** | |
| 5. Tuition | $21,525 |
| **Public Safety** | |
| 6. Personnel Services | $8,795,352 |
| 7. Expenses | $1,106,711 |
| **Public Works** | |
| 8. Personnel Services | $1,474,740 |
| 9. Expenses | $3,192,154 |
| 9a. Snow and Ice | $818,500 |
| **Municipal Facilities** | |
| 10. Personnel Services | $656,744 |
| 11. Expenses | $489,588 |
| **Sewer Commission** | |
| 12. Expenses | $4,500 |
| **Cemetery Commission** | |
| 13. Personnel Services | $231,220 |
| 14. Expenses | $44,900 |
| **Community Services** | |
| 15. Personnel Services | $475,549 |
| 16. Expenses | $222,750 |
| **Library** | |
| 17. Personnel Services | $1,157,368 |
| 18. Expenses | $387,087 |
| **Benefits and Insurance** | |
| 19. Expenses | $15,936,559 |
| **Debt & Interest** | |
| 20. Non-Excluded | $3,842,349 |
| 21. Excluded | $7,848,604 |

The Moderator read the article. The Town Manager came forward and he said that it has been his practice in the past to introduce new department heads who have been appointed to positions since the Body last met. At this time he introduced John Sousa who holds the position

of Finance Director and Treasurer/Tax Collector. The Body responded with a round of applause. The Manager then continued saying that if through the course of this article if there are any questions or concerns all Department heads are present and will come forward to address the issues at hand. He said that this has been a very difficult budgetary year. Town Officials have been working since the fall Town Meeting addressing the financial concerns in light of the cost to the community as well as the economy encountered on a daily bases. As the Town is well aware the Proposition 2 ½ question failed at the April 1st Town Election which if passed would have provided level services to the Town. Now before this Body is a balanced budget within the Prop 2/1/2 property tax constraints and within the constraints of the State Aide provided to the community and other available resources. Unfortunately the budget does not maintain the current level of services provided in the Community, nor is it a comfortable or pleasing budget to every Department within the Community. Cuts in services and personnel will be shown across the board. Positions will be eliminated; it is a reality of living within the constraints that the officials have to deal with. This budget meets the constraints of the budget and will implement the funding level that has been described at public budget hearings. This budget does have the endorsement of the Finance Committee and the support of the Board of Selectmen. The fundamental principle of the budget is that it has to be balanced. Not only is this a fundamental principle it is also a requirement of State law. The Town can't run with a deficient like the Federal Government. Recurring revenues must meet recurring costs. The Town can't use the stabilization fund for funding any costs. Currently it is at an insufficient balance of 2% of the budget and according to sound financial formulas it really should be at 5%. There will be presented a $2.5 million dollar Capital Improvement plan which meets the fundamental infrastructure obligation as a Community. The goal was to try to maintain essential services and maintain the infrastructure of the Town. It was decided not to go for any short terms fix to elevate the pain the decision was to move forward and face the budgetary reality and fund a responsible budget. He showed the budget history and how it has grown over the years. He showed the largest source of revenue which is the property tax. The excluded debt for the Town is beginning to decline. Chelmsford is mirroring on what is going on within the Commonwealth. He showed the history of State aide over the years. The Lottery has given out more then what has been taken in, which means that there will be no further State Aide given outside of the Chapter 70 money for education which has built in increases for the next three years in order to bring fairness among the Communities. This is why the State formula is archaic. It doesn't reflect the inflationary factor. He went over the local receipts and their history. He showed the stabilization fund and explained its history. Any monies left over from this year's departmental budget will be voted at the Fall Town Meeting to be put into this fund. The major expenditure issues facing the Town is the increase in Middlesex Regional Retirement assessment of $500,749. The Charter School and School Choice Assessment increase of $269,217, the Non-excluded Debt service increase of $232,039 and because the Nashoba Valley Technical High School increased its enrollment of 19 Chelmsford students the assessment was raised by $220,452. He showed a summary of what is going on in the Departments. There is not a lot of money going into the Departmental budgets. He noted that some departments are funded less then what they have in the current fiscal year. The total budget is $98 million dollars. The largest component of the budget is Public Education. The increase under that is 4 1/4 % which is $1.8 million dollars. With this budgetary level, the Westlands School will no longer be used as a elementary school, which will result as part of the 35.4 full-time positions staff reduction that the Department will be making. The activity and athletic fees will be increased at the middle schools and the high school. A transportation fee of $200 per student will be assessed for all grade 7-12 students and for k-6 students living with two miles of their schools. The school lunch program will be

revamped as the school department assumes responsibility for $225,000 in health benefits for lunch employees. The Nashoba Valley Technical High School increased by 19 new students which brings the enrollment up to 117 students. This increase raises the assessment which is a mandatory assessment per State law. The Municipal Administration personnel is level funded at $1.42 million the elimination of the position of Assistant to the Town Manager and other staff turnover. The expenses were reduced by $30,466. Under Public Safety personnel services increased by $136,985 and expenses increased by $213,237. There is a reduction of 3.25 FTE in personnel, which includes 2 Police Officers, 1 Principle Clerk and part time custodian. A minimum shift will now have four patrol officers and one superior officer on duty. The purchasing of police cruisers will now be absorbed into the operating budget. The Fire Department is level funded. It will have the elimination of four firefighters, closing of the South Fire Station, staffing will be drop to nine per shift. This may result in increased response time and increased danger to personnel. Under the Public Works the Personnel Services will decrease by $29,023. Expenses are level funded. Due to higher salt prices the snow and ice account has been increased by $88,500. There will be an elimination of an engineering position and the building maintenance position will be reduced from full time to half time. The Waste Collection budget is increased by $39,324 due to the hauler's contract cost increase. Under Municipal Facilities the personnel services increased by $35,953. Expenses decreased by $23,311. A total budget increase is $12,642. The department will continue to defer the hiring of two HVAC positions and general maintenance mechanic and there will not be any funding for summer help as was the case this past year. Under Community Services the overall budget decreases of $20,514. Additional $30,000 is provided to the Veterans benefits due to the current need. There will be the elimination of a part-time respite care coordinator at the Senior Center. The Recreation Department has been consolidated into the School Department's Community Education program. $25,000 will remain for lifeguards at Freeman Lake who will be contracted through the Greater Lowell YMCA. The Library budget is level funded with an increase of $11,831. In order to maintain State Certification which allows the privilege of borrowing books and materials from other cities and towns. However, in order to obtain level funding the hours are being cut back 2 hours per week. This is beyond the Sunday hours that were already cut out last year. Under the Benefits and Insurance this is the second largest budget expense for the Town. The Middlesex Retirement System assessment was increased by $500,749. The Health insurance rate increase of 2.6%. The total premiums will decrease by $314,000 as a result of the School Department absorbing $225,000 for school lunch employee benefits and by the elimination of 47.4 FTE employees. This will result in the increase of Unemployment benefits from $31,000 to $100,000 and there may be additional monies requested at the Fall Town Meeting for this. The Medicare tax payments will be increased by $25,000. The Manager went over the Debt Service budget. Town's total outstanding debt peaked at $100,784,212 this fiscal year. It is the third largest expense of the Town. He gave a brief budget summary, and showed the staffing levels for the last five years. Under the General side of the Town there will be 225 employees which is a reduction of 12 employees from the current year and 18 since 2000. Under the school side after the elimination of 35.4 positions as a result of the Westland School closing and two custodian positions, there will be a total of 656 employees and over the previous 5 years they had eliminated 41.7 positions. Overall there are a total of 47.6 positions being eliminated in the upcoming fiscal year budget for a total of sixty positions over the last five years. Looking ahead 2010 is expected to be worse. The same costs will be addressed along with the increases in items such as electricity and fuel. Most of the employee union contract negotiations will be up. The Selectmen have authorized the employees to join the State Group Insurance Commission for active and retiree health insurance coverage. This would require 70%

agreement from the union groups in order to do this. There is an on going need to replenish the Stabilization Fund. The Officials will continue efforts for additional State assistance and to explore areas for cost savings and expand commercial and industrial tax base. He thanked the Body for their attention. The Moderator asked for questions. Sheila Pichette wanted to know what the Town's measures were going to be to assure the safety of the children walking to school. There will be a drop off area established at the schools. The Police will do what they can in relation to traffic control. The Town will do the best that it can. The School Department is still working out the bus fees situation regarding the collection and enforcement. Bob Joyce questioned if adjustments should be made to those budgets that had stipends? The Manager said this will be done in the Fall if necessary. Tom DiPasquale questioned where will the reimbursements from the State for the High School project be applied to? The Manager said first to pay off the note and if there is any money left it will be applied to the remaining debt. Tom DiPasquale said it looked like cuts were made in the educational part of the School budget but not in the administration part. Dr Yeoman, Superintendent of Schools explained that one principle and twenty-five teachers will be eliminated. Maria Karafelis wanted to know how the School Department arrived at the $350,000 bus cost and the $200 per student fee. Robert Cruickshank the Business Manager explained how he arrived at the estimated number of students who will be taking the buses. The expenses involved in implementing and setting up the technology to run the bus fee system will run between $70,000 to $90,000, the busses cost $50,000 each per year, Tom Mills questioned if a position is going to be created to monitor this area. A person would be put in place it may be a full time position and may be someone who is already in the system, this hasn't been decided yet. Brian Latina questioned why can't each of the 5,000 students be charged $20.00 apiece for bus fee's rather then charge the $200.00 fee for those who will use it. The Superintendent said it is against State law to charge someone for a bus fee if they are not using the bus. Brian Latina asked if his daughter currently pays a parking fee and if there is bad weather and she chooses not to drive can she still take the bus. No, there will be no room on the bus and extra busses will not be provided based on weather needs. Brian Latina wanted to know if he could have this fee as well as the athletic fee and the other school fees given to him in the form of abatement that way he could deduct it. He knows this is done in other communities such as Woburn. No, fees can not be deducted as taxes, this was discussed prior to the over-ride and explained that this is a reason why people should vote for the over-ride. Brian Latina then questioned the closing of the Westlands School and capital projects. The Superintendent explained that it was closing as an elementary school but in order to make room for the students from that school to be dispersed to the other elementary schools the non school programs will be moved to the Westlands and operate out of that location. This is why the Town is going ahead with the capital budget items, it will still be a Town facility just not as an elementary school. Questions were asked about closing a Fire Station but still purchasing equipment. Chief Parrow explained that the trucks still need to be replaced. The one being replaced is a 1989 vehicle. This vehicle will be moved within the fleet to be a back up and the back up will be used as a reserve. It takes time from when a Fire Engine is ordered to actually receiving it for service, in most cases 1 ½ to 2 years. Also new requirements from National Fire Protection Association are being implemented on any new Fire apparatus purchased after January of 2009. All apparatus must be equipped with additional safety features that may cost upward to $30,000. Plus it is his hope that in the future the Fire Station will be re-opened. Joanne Anderson questioned what caused the increase in Nashoba Tech School budget. Mary Frantz the Finance Committee's liaison to NVTH explained that it is the total cost of running the school and it is reflected in the per student cost. Karen DeDonato questioned if the Fire truck could be removed from the Capital Budget and use the money in the regular budget. No it can

not. Sheila Pichette questioned the adequate response time. Chief Parrow said according to National Fire Protection Association Standards it is 4 minutes. The Moderator asked if there were further questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked if there was any debate. Mary Tiano moved to amend the article. Town Counsel and the Board of Selectmen and the Town Manager reviewed the motion. The Moderator explained that basically Mary Tiano wanted to divide the question. He read the motion. To separate the Nashoba Valley Technical High School appropriation from the total budget appropriation and be voted on separately as follows:
Budgetary Line items 1 through 3 and 5 through 21 for a total of $93,973,536. Then vote budgetary line item 4 $1,624,488. Mary Tiano explained her motion. She wanted to divide the budget and vote down the Nashoba Budget. She felt that the budget of the Nashoba Technical High School should be accountable. She didn't think it was right that their budget increased by 18% and the Town's School Department only by 4 ¼%. She compared the teacher ratio per student. She is in favor of technical education but felt that the increase is unacceptable. Felt that the appointing authorities should keep this in mind when appointing future representatives. She wants to send a message that due to this Town's budgetary constraints it's not right that it is expected that the Town pay this assessment. Sam Poulten questioned if this budget can be divided like this. Town Counsel said that yes it can be if the Body so votes to do so. Sam Poulten then spoke against dividing the budget. It is very late and the NVTH budget is complicated and will take more then a few minutes to explain and review each line item. The Finance Committee Representative to NVTH had felt it was a sound budget and presented it to the Finance Committee and they unanimously supported it. There is no control over the figure shown. The cost is divided among seven communities. The NVTH budget reflects the total cost of operating the school. It is not just a school it is like a Town. They have to maintain their buildings and grounds and the total expense of running the school. He said that this is the wrong budget to cut. None of the other Communities involved with NVTH will divide their budgets. This is sending a wrong message to the Children and asked that it not be divided. Dennis Sheehan asked Town Counsel if the Body does vote down the NVTH budget what would this accomplish. John Giorgio responded that unless four other communities did this Chelmsford would still be responsible for their assessment which is the figure shown in their budget. This is according to State law. The Moderator asked Town Counsel that if the motion to divide is voted at this session and then the meeting is adjourned to another night can it be reconsidered at the next session to divide the budget. John Giorgio explained that once the vote is taken on this motion the Body is still acting on Article 4. If the meeting was to adjourn to another night without taking a vote for Article 4 then when the Body returned it would continue with Article 4 and anything could be reconsidered but not the motion to divide the budget because the vote regarding that action/issue had taken place at the previous session. Mary Tiano stated again she is not against technical education just about bringing a fair budget to the Town. Tom Moran wanted to have Article 3 reconsidered and asked the Moderator if it's not done tonight can it be done at the next session. No he has to bring it back during this session. He asked that the Moderator not adjourn the meeting until he had a chance to bring this up. Fran McDougall moved the question to stop debate on dividing the question. The Moderator asked for a show of hands, **motion carried**. He then asked for a show of hands on the motion to divide the question, **motion defeated**. Mary Frantz the Finance Committee's liaison to NVTH explained that NVTH budget is less then it was last year. There is very little in terms of the Chelmsford payment that can be debated. NVTH has to spend a certain amount of money on the line items in their budget; there is not much give in the budget per her perspective. John Kivlan, President of the Fire

Fighters expressed their view of the pending budget cuts, need to stay within the National Standards. Marianne Paresky spoke about the cuts being made within the School Department budget and how there doesn't seem to be any cuts in the administration it all seems to be under the educational side. Dennis Ready moved the question to stop debate under this article. The Moderator asked for a show of hands, **motion carried**. He then asked for a vote on the article by way of a show of hands, **motion carried**.

Thomas Moran then came forward and asked that the Body vote to reconsider Article 3, he realized that it is late and felt that there was confusion regarding the vote. George Ripsom moved to adjourn the meeting to Thursday night. The Moderator explained that the motion to adjourn must now take place. He explained that Tom Moran's discussion regarding reconsideration of Article 3 will be addressed on Thursday night because no vote can be taken on it at this time. He then asked for a vote by way of a show of hands on the motion to adjourn, **motion carried, unanimously.** He reminded the Representatives to clear their tables. The meeting adjourned at 11:35 PM.

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Dennis E. McHugh, Moderator Elizabeth L. Delaney, Town Clerk

**Adjourned Annual Town Meeting**
**May 1, 2008**

The Adjourned Annual Town Meeting was called to order at 7:35 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **151** Town Meeting Representatives present. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise.

The Moderator explained that the meeting was beginning at the point of where it was at the time a motion was made to adjourn. Thomas Moran was at the microphone discussing his proposed motion to reconsider Article 3. Art Carmen made a point of order. He felt that the Body didn't vote or debate on the motion. He read the information regarding reconsideration from the Finance Committee's warrant book which is in fact the Town Meeting by-laws. He requested clarification from Town Counsel concerning the motion about reconsideration of Article 3 being on the floor. He felt that once the meeting adjourned as was this case, articles that had been voted at that session could not be brought back and voted on at tonight's session. Town Counsel John Giorgio explained that because the Body hadn't voted one way or the other on the motion to reconsider article 3 but did take up the motion to adjourn and did in fact adjourn it left the motion to reconsider sitting waiting for action, which is why the Moderator was addressing it at this time. Thomas Moran then explained his reason for reconsideration. He felt that there were 125 Representatives who voted. After the vote was taken he went out and checked the check-in sheets and found that 143 Representatives had checked in. He felt that a roll call vote should have been taken and those who didn't want to vote could have voted present. He felt that there was confusion and some of the Representatives didn't know what they were voting on. Dennis Ready said he was a member of the Stipend Committee and wanted to express the Committee's view on the issue. Patricia Magnell said that she knew exactly what she was voting for and felt that there was no need to reconsider this matter, "the gravy train ride is over" and she would vote no on this item every time it came up.. Dennis Sheehan said that due to the time already spent on the article previously only four articles had been addressed the other night he felt that there was no need. This is not about questioning the elected officials time given it is about fiscal responsibility. The Town can not afford to offer this type of benefit. Art Carmen expressed his view about reconsideration and urged that only those who had something to add to the discussion be entertained by the Moderator. Those are the views that should be heard tonight if this is going to be done. It's not right that those who didn't like the outcome of the vote come and express their views again and "have another bite of the apple" in hopes of changing the outcome of the vote. Brian Latina moved the question to stop the debate on reconsideration of Article 3. The moderator asked for a vote by way of a show of hands. **He declared that the motion to stop debate carried, by recognizing the 2/3's vote by-law.** He then asked for a show of hands on the motion to reconsider Article 3, **motion defeated.**

**UNDER ARTICLE 5.** Town Manager Paul E. Cohen moved that the Town vote to appropriate **$2,244,647** from Sewer Enterprise receipts to operate the Sewer Enterprise for Fiscal Year 2009:

Personnel Services $623,846

Expenses $1,620,801

Total $2,244,647

The Town Manager explained to the Body that this article reflects the direct cost of the sewer enterprise fund. The indirect cost such as the employee benefits and administration cost had been previously voted under Article 4 of the operating budget. The Departments of Revenue had requested that Towns be aware not to vote the indirect twice. The increase proposed is $15,000 which is less then 6/10 %. Per the Finance Committee's request, the budget book reflects the total details of the Enterprise Fund for the upcoming fiscal year the revenues and operation expenditures of the budget. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked for any debate, hearing none he asked for a vote by way of a show of hands, **motion carried unanimously.**

**UNDER ARTICLE 6.** Town Manager Paul E. Cohen moved that the Town vote to raise and appropriate **$150,000** to be used as a Reserve Fund at the discretion of the Finance Committee for Fiscal Year 2009, as provided in General Laws Chapter 40, Section 6.

The Town Manager explained that this is an annual request. A reserved fund is used for emergency transfers or expenditures which may come up during a fiscal year. Before any monies are released approval from the Finance Committee is required. $150,000 has been the standard amount set aside over the past years. The amount expended by the Finance Committee for FY 07 which ended in June 30, 2007, was $88,671.69. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked for any debate. James Hickey moved that this article be taken out of order and be voted on at the end of Article 8. He felt that it should be voted on after the needs and discussion of the Capital Budget are met. He felt that this money could be used to address other possible factors such as keeping a fire station open etc under that article. Once that article is completed then return and vote on this one. The Town Manager offered a point of information. Statue clear defines that this fund can only be used for emergency use only and not for the funding any Town services. James Hickey said he wanted to free up this money to be used. Maybe only fund this article with $50,000 and the other $100,000 could be used under the Capital Budget. The Manager explained that the Capital Budget is not part of the operational budget. If there were going to be any increases made to the operational budget this had to have been made at the previous meeting under Article 4. He felt that with a budget of nearly $100 million really the amount should be bigger, this amount of $150,000 should be set aside and stay in the reserve fund for emergency use. James Hickey felt that the Body should have the option to decide how this $150,000 should be spent and not the Finance Committee. The Moderator asked for recommendations on taking the article out of order. The Finance Committee was not in favor. The Board of Selectmen did not recommend the motion. The Moderator asked for further discussion hearing none, he asked for a vote by way of a show of hands, **motion defeated.** He then asked for any more discussion under the main motion of article, hearing none he asked for a vote by way of a show of hands, **motion carried.**

**UNDER ARTICLE 7.** Dwight Hayward moved that the reading of the article be waived. The Moderator asked for a vote on the motion by way of a show of hands, **motion carried.** The Town Manager explained that these items require by statue that they be voted annually for approval before any monies can be expended from them. He went over the purpose and gave the balances for each. The Town Clerk has a current balance of $2,415.00, The Council on Aging balance is $3,134.82, The Police Department balance is $15,198.00, and the Inspection

Department has a negative balance of $3,810.00. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked for any debate. Brian Latina would like to see that the School Committee show their revolving funds created for bus fees and athletic fees and other fees in a similar fashion so the Body could see them. The Manager explained because authorization is not needed from Town Meeting to expend from those accounts it is not necessary to have this process. He is sure that if asked the School Department would provide the balances of these accounts any point and time. The Moderator asked for further discussion hearing none, he asked for a vote by way of a show of hands, **motion carried.** The article reads as follows:

Town Manager Paul E. Cohen moved that the Town vote to authorize these revolving funds under Massachusetts General Law, Chapter 44, Section 53E ½ for the following departments in Fiscal Year 2009 with expenditures from said funds shall be limited to a certain sum as specified during Fiscal Year 2009:

- **Town Clerk**: The receipts to be credited to the fund shall be from the collection of fees from rabies clinic, pound and adoption fees. The Town Clerk shall be authorized to spend money from the fund for the purpose of providing improvements associated with the dog pound and programs and expenses associated with the licensing of animals. Expenditures from the program shall be limited to **$10,000** during Fiscal Year 2009.

- **Council on Aging:** The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip Program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip Program. Expenditures from the Senior Trip program revolving fund shall be limited to **$300,000** during Fiscal Year 2009.

- **Police Department:** The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to **$20,000** during Fiscal Year 2009.

- **Inspection Department**: The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to **$9,000** during Fiscal Year 2009.

**UNDER ARTICLE 8.** Selectman Philip M. Eliopoulos moved that the Town vote to appropriate **$2,560,553** for the following capital projects:

## FY2009 PROPOSED CAPITAL BUDGET

| Function | Department /Location | Project | Expenditure |
|---|---|---|---|
| | Planning & Development | Master Plan/Geographic Information Systems | $70,000 |
| | Information Technology | Network Replacement | $250,000 |
| | | *Municipal Administration Subtotal* | $320,000 |
| | Fire | Staff Vehicle Replacement (1999) | $35,000 |
| | | Engine 3 Replacement (1989) | $310,000 |
| | | *Public Safety Subtotal* | $345,000 |
| | Engineering | ½ Ton Pick Up Truck Replacement | $26,000 |
| | Highway | Highway Garage Ventilation | $35,000 |
| | | One Ton Dump Truck | $40,000 |
| | | ½ Ton Pick Up Truck Replacement | $26,000 |
| | Parks Division | Pick Up Truck Replacement | $30,000 |
| | | *Public Works Subtotal* | $157,000 |
| | Byam Elementary | Floor Tile Replacement | $100,000 |
| | Westlands Elementary | Floor Tile Replacement | $80,000 |
| | High School | Security – Enclose Stairwells | $625,000 |
| | | Carpet, Casework&Furniture Library, IDC | $270,000 |
| | | Lockers | $258,000 |
| | Library | Replace Telephone / Intercom System | $26,993 |
| | Council on Aging | Parking Lot Repavement | $36,560 |
| | | *Public Facilities Subtotal* | $1,396,553 |
| | Technology | Blade Servers - School | $200,000 |
| | | Blade Servers - Town | $40,000 |
| | | Smart Boards & Projectors | $102,000 |
| | | *School Department Subtotal* | $342,000 |
| **CAPITAL PROJECTS TOTAL** | | | **$2,560,553** |

And to fund said appropriation, that **$7,720** be transferred from ATM-06-14; **$45,647.57** from ATM-07-12; and that the Treasurer, with the approval of the Board of Selectmen, to borrow an amount, not to exceed **$2,507,185.43** under Massachusetts General Laws Chapter 44, Section 7 and 8 or any other enabling authority to fund these obligations.

The Moderator read the article to the Body and the Town Manager explained the article. He first acknowledged and thanked the six members of the committee: Dennis Bak, Citizen Representative, Margaret Marshall, Library Trustee, John Morrison, Citizen Representative, John Sousa, Treasurer-Collector, Angelo Taranto, School Committee, Donald Van Dyne, Finance Committee and Darlene Lussier, Town Accountant (non voting member). The Committee met during the late fall and early winter to review requests from departments reviewing their capital needs for this upcoming fiscal year and four future years which becomes a five year plan of requests. More requests are received that can be funded. Priorities are established and recommendations made and brought to the Town Meeting Body for consideration. He explained

that he would briefly highlight each request and if further explanation is needed the Department Heads are present and they will address them. Under the Planning and Development these items shown are required by statue to be updated and the time has come to do so. Information Technology; this is due to the updating of the Town's Fiber-Optic Network, which is part of the plan previously voted to combine the Town and School network systems. Fire: Replacing a 1999 former police cruiser with current the mileage of 144,000 miles. A 1989 Fire Engine needs replacement. Engineering; A ten year old pick up needs replacement. Highway and Parks Divisions; A ventilation system needs to be installed at the current garage. This is the result of a grievance from the Highway personnel and it is a health issue and employee safety that needs to be addressed. The one ton dump truck and ½ ton pick up needs replacement. The Park Department truck has 115,000 miles on it. All of these trucks besides have become too costly to repair. Under the School facilities the floor tile at the Byam was installed in 1970 and has asbestos material in it. The Westlands School has floor tile that was installed in 1968 and needs to be encapsulated. Even though it is not going to be used as an elementary school it will be housing children in the fall and any possible future endeavors. It is a health issue and must be addressed. After this the tenants will cover the use of the building. The security issues and the stairwells at the High School were recommended to be addressed when the State's School Building Administration came and did an inspection as part of the State's reimbursement program for the School Facilities Project. The stairs are concrete and in disrepair. The Superintendent established a task force to address the security issue at the facility and a keycard entry will be installed. The condition of High School Library needs to be updated as well as lockers added and or replaced. At the Town's Library a telephone system upgrade is needed. And the parking lot at the Senior Citizen building, which is this building, needs to be repaired. There is a pooling area that develops after heavy rain and in the winter freezes over and becomes a hazard. Under the Technology this again is part of the Fiber-Optic Network upgrade being done for the combination of the school and town shared technology systems. The final item is for the purchasing of seventeen smart boards/projectors at $6,000 apiece. This is providing 21st century state of the art technology in the class rooms. He then showed what the town has expended over the years in capital projects and due to funding issues that the percentage has dropped. He then showed the list of items requested that hadn't been granted because of lack of funding and will be addressed in future years. Some of the sidewalk projects were able to go ahead because of Chapter 90 funds from the State. The Manager stressed that the Town must go forward and address the needs and keep updating the Town's capital items even in these difficult fiscal times. The Moderator asked if there were any questions. Tom DiPasquale asked about the network upgrade and if it included the schools? Yes it did. He then wanted to know what was a smart board? Kathy Duffet explained that it is an electronic white Board that allows computer generated information to be viewed by an entire classroom. It is a piece of an integrated technology tool. There are presently two boards that were donated to the 7th grade Parker School by a parent, who said that surrounding school systems such Lowell, Billerica Westford have them in every single level. The parent was surprised that Chelmsford did not have them. Scott Glidden questioned the placement of these boards. Robert Cruickshank said one in each elementary school, one in each library of each of the middle schools and in the ten computer labs at the High School. This is a trial bases, it will be bought and used in classrooms in the future if the response is positive. Scott Glidden questioned the Blade Servers items, their present and future need. The Moderator asked that the Body grant permission to non resident Bruce Forrester the Technology Director of the School Department to speak. **Motion carried**. Bruce Forrester explained that this is a result of the Informational Technology Committee that was formed two years ago and has met numerous times. It has planned out a combined area

network creating a municipal area network. The plan was for the facility to remain viable for ten years. They have been meeting with three separate vendors over the past two to three months to provide a network infrastructure that's scalable for at least that long. The Town will be putting in blade servers along with specific chassis's and specific switches that will create a redundant public safety network. Think of a blade server as a compressed computer where as instead of running one computer as a server you can run a unit that can load up to ten servers on it which will result in saving on electricity, cooling costs and the ability to do back ups. Scott Glidden asked if this meets the current and future needs. Yes for now and at least the next five years. Richard Mahoney questioned the number of lockers to be replaced at the High School and what will the policy be to maintain the lockers. Gary Persichetti, Facilities Director, explained that at the High School currently there are125 new or refurbished lockers located on the first floor, the plan is to add 1675 which will give a total of 1800 lockers some will be double tier lockers. Tom Fall questioned if the closing of the stairwells will be ADA compliance. Yes, they will be rebuilt and fully enclosed and meet the ADA compliance. Michael Combs asked about the sidewalk projects and sidewalk plows. Clare Jeannotte asked that the standard for Capital Expenditure be explained. The Manager said that the need must be five year useful life and $25,000 purchase price. Brian Latina then questioned how can the smart boards be purchased. Because it is an integrated technology package purchase. In the future any replacements will be done with in the operating budget. James Hickey questioned about the Police Cruisers. Is this the first time they haven't been purchased through capital planning? Yes, because of their life expectancy is only three years. These items along with computer technology were moved to be purchased in the operating budget. Bond Counsel frowns on items that are being purchased and paid over five years when they are no longer in service after three years. James Hickey questioned if the cruisers could be borrowed for just three years. Town Counsel John Giorgio said that it could by way of a lease agreement but that it outside of the scoop of borrowing according to MA general laws. Deborah Dery questioned if the painting of the Old Town Hall could come under the Community Preservation Fund. No you can't use this fund for maintenance of Town facilities. Kirk Marshall questioned the total number of side walk plows on hand. There are three. Kirk Marshall asked if this is an adequate number of side walk plows to plow the two mile radius of the schools, now due to the busing fee's there will be more walkers. The Manager asked that James Pearson the DPW Director come forward and explain how the plow schedule is done. He said it will be a challenge given storm and given the time. Currently talk to the School Department before a storm, they do the parking lots and the priority sidewalks established by the School Department first. The challenge will be doing the areas where there are routes where there are walkers but no sidewalks. Kirk Marshall questioned that currently there is equipment to open the roads for buses but not enough to do sidewalks? That is correct, there is not enough equipment and manpower to do the sidewalks, they will be cleared but not in a timely fashion to open for 6 AM the next morning. Karen DeDonato questioned what was the school's policy if the sidewalks are not plowed? Robert Cruickshank explained that this has been a discussion with the management team for next year's policy. If a major storm happens and if the DPW can't get the sidewalks cleaned, because it will be a safety issue, school will be cancelled. Karen DeDonato questioned that the roads would be plowed but there may not be school because the sidewalks aren't? Robert Cruickshank explained that the DPW process is to make the roads safe first. Once the streets are done then the parking lots at the schools are done. Then the sidewalks are done. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked for any debate. James Hickey moved to amend the Capital Planning Budget, by adding the following project to the Public Safety Function of the

Capital Budget: Replacement of the Police Cruisers. The Moderator ruled that this motion was out of the scope of the article. An amendment can not increase the function of an article because the public by way of advertising the article was not made aware that a major change was taking place. In this case increasing the amount of money to be spent and therefore not allowed the opportunity to come and express their views regarding it. Also this particular motion addresses an issue that was already brought up and voted on at the previous session. James Hickey responded he felt that a certain sum of money had been voted under the budget for Public Safety. He felt that this was an inopportune time to place Police cruisers in the Operating Budget when it had been done in the past through capital planning. The money used in the operating budget to pay for this could now be used instead for keeping a fire station open. The Moderator explained that there may be another way to accomplish the purpose of James Hickey's motion; however it can't be done with this motion. The Moderator asked if there was any further debate. Hearing none he asked for a vote by way of a show of hands, **Motion carried, unanimously.**

The Moderator asked that the Town Manager explain why these articles are being withdrawn. The Manager said that Articles 9, 10, 11 are in regards to the ongoing Sewer project. Because of the rapid cost increase of petroleum products which effect the cost of pipe asphalt etc the Finance Committee, Board of Selectmen and Sewer Commission felt that it would be best to refigure the amounts originally thought to be needed and consider the energy inflationary increase. This delay in vote will not effect the competition time and it may in the end be more beneficial due to it being a good time to go out for bid because of the work slow down in the construction industry. These articles will be on a warrant for a Special Town Meeting in June. Article 12 was in regards to the Town Ambulance service and the Manager felt that this issue will remain the same and not operated in house. More information had been brought forth after the warrant had been posted. Therefore there is no need to have to address this article.

**UNDER ARTICLE 9.** To be withdrawn see warrant for article wording

**UNDER ARTICLE 10.** To be withdrawn see warrant for article wording

**UNDER ARTICLE 11.** To be withdrawn see warrant for article wording

**UNDER ARTICLE 12.** To be withdrawn see warrant for article wording

**UNDER ARTICLE 13.** Town Manager Paul E. Cohen moved that the Town vote to transfer **$25,000** from the Sale of Graves and Lots to the Cemetery Improvement and Development fund.

The Town Manager explained that this is a request from the Cemetery Commission. Every time a sale of a lot takes place a portion of money is set aside. Then as needs arise authorization from the Body is needed to transfer money into the Cemetery Improvement Development fund in order to continue with capital improvements at the Cemetery. The Commissioners are investigating a project to do with cremations, plus improving other features at the cemeteries. He requested that the Body support the article. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked for any debate, hearing none he asked for a vote by way of a show of hands, **motion carried unanimously.**

**UNDER ARTICLE 14.** Philip M. Eliopoulos moved that the Town vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation budget and:

A. Appropriate from FY2009 Community Preservation Fund revenues **$50,000** to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2009;

and

B. Reserve for future appropriation amounts from FY2009 Community Preservation Fund revenues as recommended by the Community Preservation Committee:

(1) **$126,700** for the acquisition, creation and preservation of open space excluding land for recreational use,
(2) **$126,700** for the acquisition and preservation of historic resources,
(3) **$126,700** for the creation, preservation and support of community housing;
(4) **$830,000** for the Community Preservation Fund FY2009 Budgeted Reserve;

All other monies in the Community Preservation Fund shall remain undesignated until further recommendations by the Community Preservation Committee and action thereon by the Town Meeting.

Robert Morse, member of the Community Preservation Committee explained that this is an annual article where a transfer of a minimum of 10% of the projected revenue for FY2008 into each of the three categories that the Committee encompasses. The anticipation of $780,000 in tax surcharge of this year which is from the 1 ½% being collected for Community Preservation Surcharge. He said that the 2007 match anticipated is $487,000 which is 65% from the State. The State will no longer match the funds 100%. Due to other communities' participation and because of the drop in real estate transactions. Which is where the State gets its funding for this. The Moderator asked for any questions. Kate Torres asked what are the current balances in the Preservation Fund. Robert Morse showed the balances on the screen. Open space has $290,000, Historic Resources has $278,000 and Community Housing has $338,000. These balances are prior to tonight's action in which $126,700 will be added to each account. The Undistributed Reserve account has a balance of $1,220,000. The Commission tries to keep as much as possible in this account in order to maintain flexibility. Just the minimum goes into the other three separate accounts. The $448,000 is what is going to be accruing into the overall account as the tax year continues and that amount will end up in the undesignated at the end of the fiscal tax year for a grand total including the unexpended amounts will be $2,316,865. He said that an open space purchase will be made that had been previously approved at the October 2007 Town meeting. That will basically zero out the Open Space account. The amount of $750,000 will be spent on open space property on Robin Hill/Acton Road and then bonding the balance over ten years. The Moderator asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked for any debate, hearing none he asked for a vote by way of a show of hands, **motion carried unanimously.**

**UNDER ARTICLE 15.** Philip M. Eliopoulos moved that the Town vote to transfer from the "North Town Hall Roof" account the sum of **$21,752** to the Community Preservation Fund Historic Reserve; transfer from the "Riverside Cemetery" account the sum of **$183** to the Community Preservation Fund Historic Reserve; and transfer from the "Chelmsford Arms" account the sum of **$100,000** to the Community Preservation Fund Community Housing Reserve.

Robert Morse explained that the State requires that unexpended funds not use for the projects that Town Meeting voted for must be returned to the Preservation Account. A vote must be taken in order to do this. The figures for the Town Hall Roof and Riverside Cemetery are the balances left from their projects. The Chelmsford Arms project was never accomplished so the entire amount that had been previously voted is being returned to the Housing Reserve account. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. Philip M. Eliopoulos, Chairman of the Board of Selectmen said the Board recommended the article. He also went on to acknowledge and thank Robert Morse for all his hard work regarding Community Preservation, which because of his efforts Robert Morse is going to be the recipient of this year's Guardian Award. The Body responded with a round of applause. The Moderator then asked for any debate, hearing none he asked for a vote by way of a show of hands, **motion carried unanimously.**

**UNDER ARTICLE 16.** Philip M. Eliopoulos moved that the Town vote to appropriate **$350,000** from the Community Preservation Fund Community Housing Reserve for the creation of Community Housing by the Chelmsford Housing Authority for the Harding/Putnam Street Senior Affordable Housing Project.

David Hedison, Director of the Chelmsford Housing Authority and a member of the Community Preservation Committee explained the article. The CHA has just finished the permitting process of the BOA in regards to 37 units of low income of senior rental housing. Which is located behind the Senior Center and is the final phase of the North Village Campus which has been created. The project cost for the 37 units is $9.1 million. $4.9 million has been secured from the Mass Development and have an application into the State for an additional $3.6 million. The CHA is contributing close to $1.million dollars towards the project and have requested $1,050,000 in private foundation grants in order to make the project a reality The last time the CHA developed a project which was the north Chelmsford Village it took seven years to complete. There is a waiting list is well over 100 people a local resident has to wait three years for placement. This development will have a satellite office for Saints Medical Center it currently has an adult health center and also have a 24 hour care. Because of this the CHA has received a $140,000 award from the Executive Office of Elder Affairs. There are only twelve other agencies in the State that offers this 24-7 service. Located on this campus is the Transitional Congregate Program. Which takes Senior's out of nursing homes that have been place there prematurely and bring them back into the community and transitioned them back into their own units. Because of having the Saints satellite office seniors won't have to wait weeks or months to see a Doctor about their health issues. In the past the State says that they would no longer support Senior Housing Developments because this is all communities are willing to build. No one wants to build family housing because it brings in children, who cause additional expenses and burdens. However, the State has said that it will support this project because of the variety of services that are being offered in this development. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked for

any debate, hearing none he asked for a vote by way of a show of hands, **motion carried unanimously.** David Hedison thanked the Body who responded with a round of applause.

**UNDER ARTICLE 17.** Philip M. Eliopoulos moved that the Town vote to amend The Town Code, Chapter 20, "Conservation Commission", Article I, § 20-1, "Use Restrictions", and Article II, § 20-2, "Performance Bonds", by deleting them in their entirety.

Christopher Garraghan representing the Conservation Commission explained that this is in regards to the Town's By-laws. When these by-laws were adopted in 1969 it was the only way a Conservation Commission's could enforce rules and regulations. Now according to State Law the Commission can enforce through their own Use Regulations and Restrictions and there is no need to have a by-law. The language in the by-law is confusing and needs to be removed. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee had no recommendation on the article. The Board of Selectmen recommended the article. He then asked for any debate, hearing none he asked for a vote by way of a show of hands, **motion carried.**

**UNDER ARTICLE 18.** Philip M. Eliopoulos moved that the Town vote to amend The Town Code, Chapter 187, "Wetland Bylaw", § 187-21, "Violations and Penalties", by deleting the section in its entirety and inserting a new section 187-21 as follows;

§187-21. Violations and penalties.
Any person who violates any provision of this chapter or of any conditions of a permit issued pursuant to it shall be punished in accordance with Chapter I, Article II, § 1-2 "Non-Criminal Disposition" of the General Code Each day or portion thereof during which a violation continues shall constitute a separate offense. This chapter may be enforced by the Conservation Commission Agent or designee of the Conservation Commission, a town Police Officer or other officer having police powers. Upon request of the Commission's, the Board of Selectmen and Town Counsel shall take such legal action as may be necessary to enforce this chapter and permits issued pursuant to it.

Christopher Garraghan explained that this would allow the Conservation Agent to be able to enforce the Commissions rules and regulations instead of having to go through the Police Department. This would give the Commission more flexibility and streamline the process. He asked for support of the article. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked for any debate, hearing none he asked for a vote by way of a show of hands, **motion carried unanimously.**

**UNDER ARTICLE 19.** Philip M. Eliopoulos moved that the Town vote to amend The Town Code, Chapter 187, "Wetland Bylaw", § 187-4, "Limitations on Construction", sub-section B, by deleting it in its entirety and inserting a new sub-section B as follows;

B. The reconstruction, alteration, extension or structural change of buildings existing on or before October 15, 1990, shall be exempt from the provisions of (A) above; however said work shall require approval from the Commission if within its jurisdiction.

Christopher Garraghan explained that the purpose of the article is to clear up confusing language and make it more understanding for the applicants and people who come before the Commission. He also noted that this article as well as the previous two had the full recommendation of all seven members of the Conservation Commission and he asked for the Body to support this article. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee had no recommendation on the article. The Board of Selectmen recommended the article. He then asked for any debate, hearing none he asked for a vote by way of a show of hands, **motion carried unanimously.**

**UNDER ARTICLE 20.** Pamela Armstrong of the Planning Board moved that the Town vote to amend The Town Code, Chapter 195, "Zoning Bylaw", Article XX "Terminology", § 195-108, "Word usage and definitions" for purposes of adopting a definition for "Parking Lot / Area" as follows;

Parking Lot / Area – an off-street area, including parking spaces, loading areas and all associated maneuvering areas such as aisles, serving as an accessory use for the parking of vehicles and available to the public as an accommodation for clients, customers or employees.

Evan Belansky Community Development Director explained that this article as well as the next one is complementarily as one builds upon the other and they should be reviewed and considered as a package. The term Parking Lot/ Parking Area is referenced in the by-law but NOT specifically defined which results in ambiguity and a degree of interpretation. The proposed article will specifically define the term parking lot area which will provide guidance and clarification to existing zoning provisions such as landscaping and parking. The proposed definition will expand applicable landscaping and parking setback provisions for ALL pavement. The current by-law only regulates designated parking spaces. The proposed by-law will provide additional protection to abutting properties. The Moderator asked for questions. Ralph Hickey questioned ground surface. All parking lot area will be paved. Will this meet ADA approval? Yes it will. The Moderator asked for any further questions, hearing none he asked for the recommendations. The Finance Committee had no recommendation on the article. The Board of Selectmen recommended the article. Pamela Armstrong Chairman of the Planning Board read the Boards recommendation saying that as the result of the public hearing held on April 9, 2008 the Planning Board members favorably recommended to amend the zoning by-law with this article. At their meeting on April 28, 2008 the Board voted 6 in favor and 0 opposed and 1 absent on the article. He then asked for any debate, hearing none he said that this article requires a 2/3's vote. He then asked for a vote by way of a show of hands, **motion carried unanimously.**

**UNDER ARTICLE 21.** Pamela Armstrong of the Planning Board moved that the Town vote to amend The Town Code, Chapter 195, "Zoning Bylaw", Article XIX "Administration and Enforcement", § 195-104, "Site Plan Review", by deleting sub-section A. (2), and inserting a new sub-section A. (2), as follows;

(2) Construction or expansion of a parking lot / area for a municipal, institutional, commercial, industrial or multi-family structure or purpose. Any construction or expansion from 500 to 2,500 sq. ft. shall be a Minor Site Plan, per section 195-104G of this chapter. Any construction or expansion under 500 sq. ft. shall be an

Administrative approval from the Community Development Director or the Board's authorized designee.

Evan Belansky Community Development Director explained that because the Body just voted specific definition regarding the parking lots and parking areas, this article is the implementation tool needed to enforce the new definition. The current site plan by-law exempts the construction/expansion of 5 or fewer spaces resulting in no review and potential violations with applicable zoning provisions. The proposed amendment serves to implement new definition per pervious article by requiring approval for ALL increases to pavement. The proposed amendment creates a multi-tiered review and approval process based on square feet as stated in the article. The proposed by-law will strengthen the compliance and protection to abutting properties. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. Pamela Armstrong Chairman of the Planning Board read the Boards recommendation saying that as the result of the public hearing held on April 9, 2008 the Planning Board members favorably recommended to amend the zoning by-law with this article. At their meeting on April 28, 2008 the Board voted 6 in favor and 0 opposed and 1 absent on the article. He then asked for any debate, hearing none he said that this article requires a 2/3's vote. He asked for a vote by way of a show of hands, **motion carried unanimously.**

**UNDER ARTICLE 22.** Dwight Hayward moved that the reading of the article be waived. The Moderator asked for a vote on the motion by way of a show of hands, **motion carried.** David Hedison Director of the Chelmsford Housing Authority, explained that is in regards to the proposed 37 units mentioned in the previous article 16. He said that once the CHA opens up the seal bids for this project they have 30 days to award the bid. Due to the financial size of the project and the proposed various forms of financing it would be like handling and coordinating seven to nine closings all at once within 30 days. It can not happen. Projects like this that have been built in Somerville and Boston that use tax credits which are usually set aside for private developers usually takes 3 to 6 months to close. The Wellesley Housing Authority attempted to do this without obtaining this type of legislated relief and when the contract wasn't award within the 30 days they were fined one million dollars by the contractor. He doesn't want this to happen in Chelmsford and wants to follow the same route as Boston and Somerville. He has met with the various House and Senate Housing Legislator's who oversee these projects and explained the situation. He was given the language mentioned in the article and told to seek Town Meeting approval then return it to them and they will file the legislation. Basically this will allow the CHA to extend the awarding of the contract 3-6 months while he is putting together the financial paperwork. The prevailing wage rate will be paid and everything else will remain the same. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He asked for a vote by way of a show of hands, **motion carried unanimously. The article reads as follows:**

Town Manager Paul E. Cohen moved that the Town vote to authorize the Board of Selectmen to petition the General Court to enact legislation to provide that the development by the Chelmsford Housing Authority (or by any entity directly or indirectly owned, controlled or managed by the Chelmsford Housing Authority or its board members) of a new affordable housing project on land located on the northwesterly side of Harding Street and northeasterly of

but not adjacent to Putnam Road containing 110,135 square feet more or less, or any part thereof, shall not be subject to any general or special law related to the procurement and award of contracts for the design, construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency, but shall remain subject to sections 25 to 27B, inclusive, of chapter 149 of the General Laws. Contracts for the construction, reconstruction, alteration, remodeling or repair of any publicly owned works which service such project and would otherwise be subject to section 39M of chapter 30 of the General Laws shall not be exempted by the legislation from said section 39M. Any conveyance of the land or the project, whether by leasehold or fee estate, to a private entity shall be subject to chapter 30B of the General Laws to the extent such land or project is conveyed to an entity which is not directly or indirectly owned, controlled or managed by the Chelmsford Housing Authority or its board members on the date of the conveyance; provided that the General Court may vary the form and substance of the requested legislation within the scope of the general objectives of this petition.

**UNDER ARTICLE 23.** Town Manager Paul E. Cohen moved that the Town vote to approve the layout of the Bruce Freeman Rail Trail as shown on a Right of Way and Track Map entitled "Old Colony Railroad Company" dated June 30, 1915, sheets 20-25 on file with the Town Clerk.

The Town Manger explained that the Bruce Freeman rail trail is actively on its way. The Body responded with applause. The plans at this point are that a binder coat may go down by the end of this construction season then the schedule is to have completion by the end of the 2009 construction season as we start FY2010. The reason for the article is to enable the Town to provide its maintenance and enforcement authority along the trail. Unlike other bike trails the ownership of the trail will remain with the Commonwealth. However, under the agreement the Town will responsible for the maintaining and policing activities on the sections that fall within the Town of Chelmsford. Rather then wait until the completion of the trial the Town needs to have the ability to control particular the undesirable component activities such as motorized vehicles and non permissible activities. Because we don't own the rail trail and because the Commonwealth won't set up guidelines and regulations we are taking action through council much like the process for accepting a roadway except without a fee, by accepting the layout through Town Meeting vote. The Board of Selectmen will file it with the Registry of Deeds and then the Town will have the ability to police it and set up policies. Rather then wait until it is completed there is the possibility that when the next winter comes there may be undesirable activities taking place on it which will need to be addressed with a legal method. Fran McDougall questioned if the Town will have to plow the trail. No plowing however, in the Spring it will more then likely be swept. Alex Buck questioned the year of the map being used as the layout. The Manager explained that this is the only up to date layout available from when the train ran on it. Tom DiPasquale questioned if the Town has a liability factor with the trail. Yes that's why we have to maintain it. Peggy Dun questioned if there will be any volunteer's to help maintain the trail. Yes there is a friends group. The Moderator asked for any questions, hearing none he asked for the recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He asked for a vote by way of a show of hands, **motion carried unanimously.**

**UNDER ARTICLE 24.** The Moderator explained that this article was now in the form of a resolution which he read to the Body. Marianne Paresky moved that the Town vote the following. Be it resolved that the Town of Chelmsford shall provide leaf pick up as part of the

trash pick up and recycling program. Funds to pay for leaf pick up will come from the trash pick up and recycling account.

Marianne Paresky explained that Joel Karp who was the proponent of the original article and had worked diligently on it, was sick and unable to come to the meeting. He had requested that she present this resolution. She said what it meant was that you either wanted leaf pick up or you didn't want leaf pick up. The Moderator asked if there were any questions. Kathy Brough asked where was the money going to come from to fund this. Marianne Paresky said from the trash collection account. Kathy Brough said that she understood that there was no money in this account for leaf collection. Marianne Paresky said that she felt there was $93,000 available, and asked the Town Manager who had worked with Joel Karp on the article to explain. The Manager explained that Joel Karp had introduced this motion at Town Meeting a few months ago. He as well as Town Counsel worked with Joel Karp drafting a effective motion that would be legally accepted. For what ever the reason Joel Karp is not going forward with the motion and instead has drafted this resolution. The Manager explained that when he developed the Solid Waste/Recycling budget he did not have in it any money for leaf collection and disposal. Now what Joel Karp is asserting the Manager believes, is for the current fiscal year, because of the down turn in the economy the Town is disposing of less solid waste then otherwise and he hopes that this will be the trend for next fiscal year, which would mean that there would be money in the account. The Recycling Committee met and voted not to support the article. Due to there not being any mention on where to dispose of the leaves. There is no identification on where to dispose of the leaves after they are collected. Where there is no funding available in the budget if this were to pass then cuts would have to be made within the operating budget in order to fund this request which is why the Manager did not support the article. Maria Karafelis wanted to know if there is excess money in the account could the money be used instead for safety personnel. That is why the Manager wouldn't support the article. If he had extra money then that is where he would spend it on the Fire Department. Karen DeDonato questioned if there was such an account. The Manager said no there wasn't an account. He reminded her that this is a resolution it is not an appropriation. It is a message from the Town to the Management to provide leaf collection. It is not an appropriation; it would be a sentimental vote of the Body. He also said that his office and the recycling office hadn't received that many calls regarding the lack of leaf collection and seeking to reinstate it. Mike Combs asked if this passed how would if effect the budget how would he go forward. The Manager said he must submit a balanced budget according to the law. He'd have to come back at the Fall Town Meeting showing where the cuts would be made in order to fund this item, and balance the budget. Clare Jeannotte questioned how this resolution could now change the motion. The Manager said that the petitioner realized that the article was not going to be supported by the Finance Committee and the Board of Selectmen and the Recycling Committee, therefore he tried to salvage something from the original motion which is the leaf pick up. Clare Jeannotte asked Town Counsel to explain what the 1992 by-law has to do with this original motion to begin with. Town Counsel John Giorgio explained that the petitioner felt that the money that was received from the Proposition 2 ½ override vote should be used strictly for the cost of trash and recycling programs. That the $1.6 ½ million voted should be raised by 2 ½ % each year. Counsel's opinion was that the by-law didn't specifically say that, it just said the override amount. Therefore Counsel was asked to draft a motion which he did, that would contain that wording. Now Mr Karp has decided not to use the draft motion that includes the growth factor of 2 ½ % instead he has decided to bring forth this resolution that would address specifically the picking up of leaves. Until Town Meeting chooses to amend the current by-law his opinion will remain

the same that the 2 ½ % growth factor is NOT calculated into the over ride amount. Deborah Dery questioned if there was a surplus amount in the trash budget. The Town Manager said in the past there was as a result of the mandatory recycling by-law and because of the down turn in the economy. Marianne Paresky said that Joel Karp, herself as well as other Town Meeting Representatives do get phone calls concerning leaf pick up. Mike Combs asked why the recycling committee was against this. Nancy Kaelin said that the Committee felt that leaf collection is not an essential service during difficult financial times. Brian Latina asked if the residents did want leaf collection that they should contact the Town Offices. The Manager said yes, and if there were enough inquires it would be considered like any other budgetary item. The Moderator asked for any other questions, hearing none he asked for recommendations. The Finance Committee did not support the resolution. The Board of Selectmen did not support it. The Moderator asked for debate. Fran McDougall said that considering the financial times that has resulted in the laying off of teachers and public safety this was a frivolous item to be considered. Dennis Ready moved the question. The Moderator asked for a vote to stop debate by way of a show of hands, **motion carried, unanimously.** He then asked for a vote on the resolution by way of a show of hands. He declared that the **resolution fails.** The Moderator said that the Town Clerk will send out notification on when the Special Town Meeting will be held. He then entertained Selectman Eliopoulos' motion to adjourn. He asked for a show of hands, **motion carried unanimously**. The meeting adjourned at 10:35 PM.

_____ _____

Dennis E. McHugh, Moderator Elizabeth L. Delaney, Town Clerk

**TOWN OF CHELMSFORD**

**WARRANT FOR SPECIAL TOWN MEETING**

**June 12, 2008**

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, 75 Groton Road, North Chelmsford, on Thursday, the 12th day of June, at 7:30 p.m. in the evening, then and there to act upon the following articles, VIZ:

**ARTICLE 1.** To see if the Town will vote to appropriate a sum of money for designing and constructing sewers, pump stations, and force mains for the completion of the Town's Sewer Project, including related legal, administrative and other pertinent expenses and the acquisition by purchase, eminent domain, or otherwise of all necessary easements and rights in land, including without limitation all costs thereof as defined in Section 1of Chapter 29C; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow a sum of money under Massachusetts General Laws, Chapter 44, Section 8 (15) and/or Chapter 29C, or any other enabling authority; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal and state aid available for the projects or for the financing thereof; that the Board of Selectmen is authorized to enter into a Project Regulatory Agreement with the Department of Environmental Protection, to expend all funds available for the project; that the Sewer Commission is authorized to contract for and expend any federal, state or other aid available for the project as set forth above; that the betterments shall be assessed by the uniform unit method and that 100 percent of the project costs including the payment of the principal of and interest on any borrowing incurred pursuant to this vote, shall be paid through funds transferred from the Sewer Betterment Special Revenue Account, and through funds accumulated in the Sewer Enterprise Fund through an increase to the Sewer User Charges; and that the Sewer Commission is authorized to take any other action necessary to carry out this project; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

**ARTICLE 2.** To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Park Road/Cambridge Street Area – Phase 4H Sewers" dated March 2008, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and to see if the Town will vote to raise and appropriate from the stabilization fund, transfer or appropriate from revenue sharing funds and/or borrow a certain sum of money under Massachusetts General Laws, Chapter 44, or any other enabling authority, to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying damages which may be awarded as the result of any such taking; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

**ARTICLE 3.** To see if the Town will vote to authorize the Sewer Commission to enter into an inter-municipal agreement with the Chelmsford Water District pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 4A, for the purpose of including in the construction contract for the Robin Hill Road Area Lateral Sewer Project, Contract No. 06-2, being undertaken by the Sewer Commission certain water distribution system upgrades in the same area, said inter-municipal agreement to provide that the Chelmsford Water District shall be responsible for paying the portion of the construction contract price for those costs attributable to the water distribution upgrades in the amount of $504,198.00, plus engineering costs as agreed to by the Sewer Commission and the Chelmsford Water District, and to pay any additional costs that are due and payable under the construction contract attributable to the water distribution system upgrades provided any such additional costs are incurred with the prior consent of the Chelmsford Water District; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 14th day of May, 2008

**BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD:**

Philip M. Eliopoulos, Chairman

Clare L. Jeannotte, Vice Chairman

Patricia Wojtas, Clerk

William F. Dalton

Eric R. Dahlberg

**NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE TOWN MEETING**

The Board of Selectmen shall propose the following date and time for a continued session of the Special Town Meeting of June 12, 2008:

**Monday, June 16, 2008 at 7:30 p.m.**

If additional continued sessions are necessary they shall take place on the following Thursday and Monday until the meeting is concluded.

Pursuant to Town of Chelmsford Code Chapter 154-9, these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. May 15, 2008

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest:

William E. Spence, Constable

**Special Town Meeting**
**June 12, 2008**

The Special Town Meeting was called to order at 7:30 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **130** Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions. Town Counsel for this meeting from Kopleman and Paige would be Attorney John Giorgio. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. Selectman Philip M. Eliopoulos moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. **Motion carried, unanimously.** Selectman Philip M. Eliopoulos moved that the reading of the entire warrant be waived. **Motion carried, unanimously**.

The Sewer Commission requested that consultants from Weston and Sampson Fran Yanuskiewiz and Steven Peterson be allowed to address the Body from time to time regarding the upcoming articles. The Moderator asked for a vote by way of a show of hands, **motion carried.**

**UNDER ARTICLE 1.** Dwight Hayward moved that the reading of the motion for this article be waived. The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously.** Barry Balan, Chairman of the Sewer Commission asked for consideration of the article in order for the Town to enter into the final phase of the on going sewer project. This will not impact the tax rate. He asked that Steven Peterson who is the project engineer to come forward and address the Body. Steven Peterson said the project will be accomplished by using betterment revenues and user charge fees. He showed a map of the Town designating the areas that are already sewered (white area), the areas currently under construction (red area), and the areas to be involved in the final two phases (pink and brown). Presently there is over 92 % of the Town done. It consists of 170 miles of sewer constructed and approved for use, which provides service to approximately 11,200 properties. What is left for construction is connecting 850 more properties which is approximately 20 more miles of sewering. He described the ongoing construction, funding and the contracts in each phase. The total betterment authorizations have been $21.5 million dollars. A user charge of .50 per 1,000 had been implemented in FY08. This will be increased by another 55 cents and be in effect for 21 years, (FY09 to FY29). He explained that a small portion of the amount requested in this article is for the Phase 4G project area. Due to the rising costs of fuel and all petroleum based products plus the unexpected higher anticipation of ledge quantities in the area this required an additional cost of $1.5 million in order to complete the phase, which is the Burning Tree Lane area contract 06-1 and Robin Hill Road area contract 06-2. These phases would provide service to 290 properties and expected to be completed by the fall of 2008/spring 2009 time frame. Once done, the Town would be 95% complete. The final two phases to be sewered is Phase 4H which is the Park Rd/Cambridge Street area and Phase 4I which is the Moore Street/Ledge Road area. This would provide service to 570 properties. If this article passes the construction of Phase 4H will begin this fall and the estimated completion date will be November of 2009. The Phase 4I will begin in the Spring of 2009 and have a estimated completion date of June 2010. He explained that sewer users are charged bi-annually based on their water records. The rates in FY08 per 1,000 gallons are for residential $3.20, for commercial $3.68 for industrial $3.94. The average

residential customer uses approximately 65,000 gallons. The average annual cost to homeowners is approximately $208.00, plus the additional user fee of approximately $36.00. He provided a list of the average annual sewer rates and yearly bills for the surrounding Towns. He also provided a listing of yearly rates for Towns within the State with a population similar to Chelmsford. The Commission has been approved for a 2% loan from the State Revolving Fund of Clean Water and Drinking Water, and must obtain authorization from the Town by June 30th in order to be qualified for the funding. Failure to authorize this article will result in suspension of the project, and the costs will continue to rise. Currently the bidding climate for the construction is competitive. The Commissioners felt it would be in the Town's best interest at this time to come up with a total cost, go out for bid and complete the rest of the project, in order to allow them to each their goal of 100% Town Wide Sewer System.

Kathryn Torres, questioned about the use and need for grinder pumps. It was explained that certain neighborhoods will require the use of grinder pumps because of the gravity flow and environmental issues and economic factor. She asked how many grinder pumps and pump stations are in use currently. Steven Peterson said including the properties of the Phase 4G the total number of grinder pumps will be 400 and 33 pump stations. Karen Kowalski questioned the betterment fees and bonds to be issued and she also expressed concern for certain words that appear in the article. Barry Balan explained that the betterment fees have gone up gone up continuously since the start of the project. Roughly with every new contract there has been a $500 increase, which by the end should be no higher the $6,500. When the project first started it was estimated that by the end of the project the betterment fees would be $7,500. He felt that the Commission is well within that estimate. The Town Manager explained the bonds mentioned in the article become the Town's obligation; however they will be paid with the use of betterment money and the user charge fee, it will not go on the tax levy of the Town. The Manager explained that this is not giving the Commissioners a blank check. The Commissioner cannot spend $1.00 over the requested figure without coming back to Town Meeting. He stressed that the amount shown is a conservative figure and the Commission is not planning on returning to Town meeting for more funding. Town Counsel John Giorgio further explained the wording in the article. The Town Manager is correct when saying that Town Meeting must approve any and all the money to be spent. In this case only $16 million can be spent. Regarding the wording "to allow further action" only applies to decisions and issues regarding the project that the Board of Selectmen or Sewer Commissioners may have to make, not further spending of funds. Kathy Duffet wanted an explanation of the citizen obligation of grinder pump vs gravity feed system. Barry Balan explained that the citizen pays $1.00 for the grinder pump. A person with the gravity system has to install the pipe work from the house to the street, as well as a house with a grinder pump. The house with the pump must also pay for the cost of electricity for the pump, which runs around $3.00 per month, and the maintenance of the pump which is approximately $50 per year. She asked how many of the homes in the final Phase will need a grinder pump. Aproximately175. She questioned what would the cost be to allow in order for the residents to have a gravity flow system. Barry Balan said roughly and additional $350,000. Thomas DiPasquale inquired if a check and balance system had been done for this project and any past projects. The Commission works with the Treasurer and Accountant and that is the check and balance, just like any other department. The Manager further explained that the Charter specifically says that the Commissioners are in charge of constructing the Town's sewer system which is done by way of contracts. Once a contract is signed it is reviewed by Town Counsel and then the Accountant signs off that the money is available. Payment for the project is made through the Treasurers Office. An independent yearly audit is done to all Town Departments and a report is given to the Board of Selectmen. In two years the Sewer Commission will no longer

exist because the project will be done. It will then be under the DPW Director, who will be in charge of budgeting and maintenance of the system. Just like all departments, a report will be given annually. Thomas DiPasquale asked if the Selectmen and Town Manager are satisfied with the results of these audits. Yes as far as the Financial Audit is concern. Thomas DiPasquale asked if the sudden increase in expenses for the Sewer Project was questioned or audited. The Manager said that is a Management Audit and that has not been done. Thomas DiPasquale felt that there should be a concern because of the major increase in the betterment cost compared to other phases cost. The Manager said that in this case the financial reasons are clear. The price is based on the oil driven economy. The price of gasoline and oil needed to run the equipment. The price of hot top used in the streets and the unforeseen cost of removing ledge. The cost of the manufacturing the materials used for the system all has increased significantly since the first project started. Thomas DiPasquale asked how the Commission could be so sure that the amount requested would be enough. The Manager said that there is a 15% contingency factor built into the figure given, which should cover the unforeseen expenses. It is not expected that the entire amount requested will be spent; the goal is to get the project done and to come before the Body in two years and say the project is done. Glenn Thoren questioned if all the money raised in betterment fees and user fees going to be used solely to fund the Sewer Project or will some of the money be used for non sewer expenditures. The Manager explained that the money raised through these fees will be strictly used for only the Sewer Project. Kenneth Cornell asked what the connection fees would be for Phase 4H and 4I residents. Barry Balan said it could roughly be between $28 to $30 a foot. It matters on various factors such as the lay of the land, the distance from the home to the street. Other questions were asked concerning the additional costs and the delays on completing the program. Kathryn Torres questioned if an individual still had up to a year to get connected and was this being enforced. Yes once notified the resident had up to one year to get hooked up to the system and this was being enforced. Thomas DiPasquale questioned if the article was to be amended by $350,000 would this effect the status on obtaining the loan from the State. No it would not. There were questions concerning the time allotted for borrowing, the increase amount in the user fee, why was there such an increase in betterment fee's over the years. It was explained that 20 years is the normal time frame for a municipality to have for borrowing funds. The user fee will be increased 55 cents for the next 21 years then it will be removed. Jodi O'Neil questioned if the Sewer Commission had a set policy regarding the fee residents pay for a grinder pump. Barry Balan said it has been the policy in the past, now, and in the future to charge only $1.00 for a grinder pump. The Manager also explained that the Sewer Commissioners added to their policy that any past and current resident and future resident who is required to install a grinder pump will receive a $2,000 reduction on the betterment fee. This is to alleviate and recognize the cost of maintaining the grinder pump.

The Moderator asked for the various boards recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate on the article. Carol Kelley-Suleski thanked Barry Balan for his dedication. He responded by saying it was not just him but all the Commissioners past and present have been a part of this project and deserve the recognition also. Carol Kelley-Suleski felt that some type of relief should be considered for the residents in the Phase4G area. She felt that perhaps the fee should be 59 cents increase instead of 55 cents. Barry Balan said the Commission felt that the relief was given to the residents with the grinder pumps by the $2,000 reduction in betterment fee. Thomas Fall moved the question. The Moderator explained that this would stop any further debate. He asked for a show of hands, he declared that the **motion carried by recognizing a 2/3's vote by-law**. The Body felt that this wasn't so. A question was

raised to revote by way of roll call. He explained that if six or more Representatives wanted to have a hand count he would conduct one. He asked for a show of hands, seeing six or more hands he asked for the tellers to come forward and conduct a hand count. The following tellers came forward:
John Maleski, Thomas Gilroy, Janet Holmes, Dorothy Frawley. The result was:
Yes 64 No 56 a 2/3's vote is needed, **motion defeated**. The meeting continued. Steve Curtis made a comment about fairness. He acknowledges that the amendment was made regarding the $2,000 reduction in the betterment fee. However, he felt that if he was to have a gravity type system his one time expense for hooking up into the system would be $3,000 and that would be the end of it. Even though he will be given a $2,000 reduction in the betterment fee his cost for maintaining the pump required by the Town to tie into a Town System over the years will go beyond the cost of those who have a gravity system and feels that this is not fair. The Town Manager asked for a point of order, he said that the action of tonight's meeting is for the authorization to complete the Sewer project not the issue of grinder pumps vs gravity systems and betterment fee's. That is a separate issue that the Sewer Commission can decide further action on that topic as the project is contracted out. Thomas DiPasquale moved to amend the article by increasing the amount of the article to be the sum of $16,350,000 for designing, constructing sewers, pump station including upgrading Mansfield Drive, Lisa Lane to be placed on a pump gravity system. The Moderator explained that the wording of the motion to amend is appropriate however it is a non binding statement to the Sewer Commission. They are not bound to spend the total amount shown because it includes a contingency amount. Nor can they specifically be told how it is spent. Thomas DiPasquale said so this means that the Sewer Commission doesn't have to consider the request to upgrade the project and spend the money in the way described. The Moderator said that this is correct. Ann McGuigan felt that if certain areas are going to be identified that all areas that need grinder pumps should be included. Susan Sullivan asked where did the $350,000 figure came from. Barry Balan said it would be the cost of supplying the gravity feed system (which would require a pump station) to the Mansfield Dr and Lisa Lane residents. Susan Carter asked if this would mean that every neighborhood that faced this issue of grander pumps vs gravity feed system would be eligible to receive this. No only those listed in the amendment because the Commissioners were not going to ask the Town for any more money. Kathy Duffet spoke in favor of the amendment she felt everyone should be treated equal. Barry Balan said that the Commissioners fiscal responsibility is to keep the cost of the project within a price range that is affordable for the whole Town. This is why the user charge was implemented in order to spread out the cost. Thomas DiPasquale said that the issue is maintaining the grinder pump. The Moderator asked for further debate, hearing none he asked for a vote on the motion to amend by way of a show of hands, **motion defeated**. He asked if there was any need to hear further debate under the article, hearing none he asked for a show of hands, he declared that the **motion carried by recognizing the 2/3's vote by-law**. The article reads as follows:

Richard J. Day, Sewer Commissioner moved that the Town vote to appropriate the sum of $16,000,000 for designing and constructing sewers, pump stations, and force mains for the completion of the Town's Sewer Project, including related legal, administrative and other pertinent expenses and the acquisition by purchase, eminent domain, or otherwise of all necessary easements and rights in land, including without limitation all costs thereof as defined in Section 1of Chapter 29C; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow $16,000,000 under Massachusetts General Laws, Chapter 44, Section 8 (15) and/or Chapter 29C, or any other enabling authority; that the

Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal and state aid available for the projects or for the financing thereof; that the Board of Selectmen is authorized to enter into a Project Regulatory Agreement with the Department of Environmental Protection, to expend all funds available for the project; that the Sewer Commission is authorized to contract for and expend any federal, state or other aid available for the project as set forth above; that the betterments shall be assessed by the uniform unit method and that while any bonds or notes issued under this vote shall be general obligations of the Town, it is the intent of the Town that 100 percent of the project costs including the payment of the principal of and interest on any borrowing incurred pursuant to this vote, shall be paid through funds transferred from the Sewer Betterment Special Revenue Account, and through funds accumulated in the Sewer Enterprise Fund through an increase to the Sewer User Charges; and that the Sewer Commission is authorized to take any other action necessary to carry out this project.

**UNDER ARTICLE 2.** Dwight Hayward moved that the reading of the motion for this article be waived. The Moderator asked for a vote by way of a show of hands, **motion carried.**

The Town Manager explained that this authorizes the Sewer Commission and Board of Selectmen to take all necessary easements required for the sewer project in article 1. Any and all costs for this action would come from the $16 million dollar figure. The Moderator asked if were any questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked if there was any debate, hearing none he asked for a show of hands, he declared that the **motion carried by recognizing the 2/3's vote by-law**. The article reads as follows:

Richard J. Day, Sewer Commissioner moved that the Town vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Park Road/Cambridge Street Area – Phase 4H Sewers" dated March 2008, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and that the funds for such acquisition having been appropriated under Article 1 at this Special Town Meeting, to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying damages which may be awarded as the result of any such taking.

**UNDER ARTICLE 3.** Dwight Hayward moved that the reading of the motion for this article be waived. The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously.**

The Town Manager explained that this would allow an inter-municipal agreement with the Chelmsford Sewer Commission and the Chelmsford Water District to allow the water district to do upgrades to their system simultaneously while the roads are open for the sewer project. This authorization is required by State Law and it will be of no cost to the Town, the Water Department will be responsible for their share of the cost. Scott Glidden asked if this was

basically a procedural issue of authorization to sign off for the Water District. Yes, the projects are bid together in order to get the work done at the same time. No work gets done relating to the water lines without the Water District's approval, which means there is no obligation to the Town. The Moderator asked if there were any questions. Hearing none, he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked if there was any debate, hearing none he asked for a show of hands, the **motion carried.** The article reads as follows:

Richard J. Day, Sewer Commissioner moved that the Town vote to authorize the Sewer Commission to enter into an inter-municipal agreement with the Chelmsford Water District pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 4A, for the purpose of including in the construction contract for the Robin Hill Road Area Lateral Sewer Project, Contract No. 06-2, being undertaken by the Sewer Commission certain water distribution system upgrades in the same area, said inter-municipal agreement to provide that the Chelmsford Water District shall be responsible for paying the portion of the construction contract price for those costs attributable to the water distribution upgrades in the amount of $504,198.00, plus engineering costs as agreed to by the Sewer Commission and the Chelmsford Water District, and to pay any additional costs that are due and payable under the construction contract attributable to the water distribution system upgrades provided any such additional costs are incurred with the prior consent of the Chelmsford Water District.

The Moderator reminded the Body that there is a Special Town Meeting scheduled for Thursday June 26th. Selectman Eliopoulos moved that the Town Meeting be adjourned sine die. The Moderator asked for a show of hands, **motion carried.** The meeting adjourned at 9:45 PM.

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| Dennis E. McHugh, Moderator | Elizabeth L. Delaney Town Clerk |

**TOWN OF CHELMSFORD**

**WARRANT FOR SPECIAL TOWN MEETING**
**June 26, 2008**

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, Groton Road, North Chelmsford on Thursday, the twenty-sixth of June, at 7:30 PM in the evening then and there to act upon the following article, VIZ:

**ARTICLE 1.** To see if the Town will vote to approve the Tax Increment Financing Agreement between the Town and Arbor Networks, Inc., substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("the 6 Omni Way Economic Opportunity Area"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the 6 Omni Way Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.

SUBMITTED BY: **Board of Selectmen**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 9th day of June, 2008.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Philip M. Eliopoulos, Chairman

Clare L. Jeannotte, Vice Chairman

Patricia Wojtas, Clerk

William F. Dalton

Eric R. Dahlberg

**NOTICE OF PROPOSED DATES**
**AND TIMES FOR CONTINUED SESSIONS OF THE**
**ANNUAL TOWN MEETING**

The Board of Selectmen shall propose the following date and time for continued sessions of the Town Meeting of June 26, 2008:

**Monday, June 30, 2008 at 7:30 p.m.**

If additional continued sessions are necessary they shall take place on the following Monday, and Thursday of the consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. 6-10-, 2008

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:
William E. Spence,
Constable

A True Copy Attest,
William E. Spence,
Constable

**Special Town Meeting**
**June 26, 2008**

The Special Town Meeting was called to order at 7:40 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **100** Town Meeting Representatives present. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions. Town Counsel for this meeting from Kopleman and Paige would be Attorney John Giorgio. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. Selectman Philip M. Eliopoulos moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. **Motion carried, unanimously.** Selectman Philip M. Eliopoulos moved that the reading of the entire warrant be waived. **Motion carried, unanimously**.

**UNDER ARTICLE 1.** Selectman Philip M. Eliopoulos moved to waive the reading of the motion. The Moderator asked for a show of hands, **motion carried.**

Town Manager Paul Cohen explained why this article was not able to be addressed at the previous Special Meeting two weeks ago. Due to MA State law, there is a fourteen day time frame that the Selectmen have to follow involving the posting of a warrant in order to call a Special Meeting. The Company and the Town hadn't finished reviewing the wording and issues involved with this proposed TIF in time for it to make it on the warrant for the June 16th meeting, and he thanked the Body for attending this meeting. He mentioned that Dan Brosnan from Arbor Networks which is the company involved with the TIF is present for questions. He asked that Evan Belansky the Town's Community Development Director come forward and present the article. Evan Belansky addressed the Body. He started by explaining what a TIF is. It is a Tax Increment Financing Agreement between the Town, the State and a business. This results in the creation of a new facility, and jobs. It starts as local economic development tool and provides access to state corporate excise tax exemptions of 5 to 10%. The MA TIF is not the same as the national TIF. MA is typically not used for public projects or retail developments and rarely used for new development. However, municipalities typically use TIF's for business attraction and retention. The increment is the property tax exemption on additional or incremental value added to the property tax, based on real property such as building, electrical and plumbing permits etc. Taxes on the base valuation are not exempted, only the incremental value created by the investment is exempted. He explained the steps of the process from when the Town is first contacted by the State (MOBD) with interests and proposals. Next the Board of Selectmen review and schedule a Town Meeting. Once Town Meeting approves the Economic Target and Opportunity area, the State will then give its approval by the Economic Assistance Coordinating Council. He listed the past TIF agreements that the Town has entered into. The Hittite Microwave Corp at 20 Alpha Rd established in October of 2004 and still current. At 300 Apollo Dr which is Circles was approved last June and is still current, and in the year 2000 Unisphere Solutions at One Executive Dr which has relocated and the agreement has been dissolved. He assured the Body that Circles was in full compliance with their TIF agreement. They have invested $3.1 million between personal property and real property and building permit fees. They have 205 employees on site. He showed a breakdown of the current square foot vacant facilities along the RT 129/RT 3 Chelmsford area. Arbor Networks had originally expressed an interest of going to the same building where currently Circles is located on Apollo Drive and sharing the facility with them. During this discussion the Town was notified that Kronos on

Omni Way would be relocating and as of July 1st their 50,600 sq foot building would be vacant. This was a better situation for Arbor Networks. It was a stand alone building and the need to retro-fit it for their needs would only require an investment of $400,000 plus there would be extra space available. He gave the history of Arbor Networks. It was founded in 2000 located in Merrimack NH, Lexington, MA and Ann Arbor, MI, The NH and MA locations would combine and occupy the Chelmsford location. It provides network security solutions and operational performance for global business networks. He listed the new jobs to be created along with the potential investment figures. He showed the increment percentage break down of the five year TIF agreement beginning in 2010 to 2014. All in all there will be equal benefits of roughly $20,000 for both Arbor Networks and the Town.

Michael Combs asked what the property sold for. Frank Reen explained that there were three buildings involved in the essential sale of $17 million; this particular building is assessed for $3.9 million. He asked if it is currently vacant. No it will be as of July 1st. How does the Town know that it will remain vacant? The Manager explained that by reviewing the vacancy data as presented the potential is there that the building will remain vacant. He also gave the Circles building as an example of how there has been no new occupants added to the site since last year when Circles moved in. Kathleen Tubridy questioned what the current number of employees is occupying this space. It appears to be seventy-five or so. Dennis Sheehan questioned the amount of new potential jobs if they were all new or transfers. It would probably be a combination of both. Current employees may not want to commute to the new location which will open up a job for in house or outside person. Bob Joyce questioned if the owners of the current vacant buildings pay less in property tax then the owners whose buildings are full. Frank Reen explained that after a 24 month period a review is done upon request from the owner and if it is determined that there is a reason besides the economic market rate for the vacancy then a slight reduction may be granted, and he stressed that it has to be for a chronic reason. Michael Combs asked if the company was at its capacity would they stay after five years. The Manager said that more than likely they will because the building they are leasing has more square footage then what they originally looked at so there would be room to expand if need be. The Moderator asked if there were further questions, hearing none he asked for recommendations. The Finance Committee recommended the article. Selectman Eliopoulos said that the Board of Selectmen recommended the article and explained why. It has been an ongoing goal of the Board to focus on the Economic Development of the Town. This is a new business coming to Town with a successful track record. The taxes this year will be the same and the Town isn't losing any revenue. The Company is committed to invest in the community and offers jobs. Those who will be employed will support the local businesses. This will be very beneficial to the Town. Samuel Poulten spoke in favor of the article. He stressed that it is a win win scenario for both Arbor Networks and Chelmsford. He urged the Body to vote in favor unanimously in order to send a message of encouragement for future endeavors. The Moderator asked if there was any further debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**. The article reads as follows:

Selectman Philip M. Eliopoulos moved that the Town vote to approve a Tax Increment Financing Agreement between the Town and Arbor Networks, Inc., substantially in the form as is on file with the Town Clerk (the "TIF Agreement") and distributed to the voters at this Special Town Meeting, pursuant to GL c. 40, §59, and confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("the 6 Omni Way Economic Opportunity Area"), and authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as

described in the TIF Agreement to be located in the 6 Omni Way Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF.

The Moderator asked for a motion to adjourn. Selectman Eliopoulos moved that the Town Meeting be adjourned sine die. The Moderator asked for a show of hands, **motion carried.** The meeting adjourned at 8:15 PM.

_____ _____

Dennis E. McHugh, Moderator Elizabeth L. Delaney Town Clerk

# COMMONWEALTH OF MASSACHUSETTS
## WILLIAM FRANCIS GALVIN
## SECRETARY OF THE COMMONWEALTH

**Middlesex SS.**

ither of the Constables of the Town of Chelmsford

**GREETING:**

e name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are ified to vote in Primaries to vote at

| | |
|---|---|
| Precinct 1. | Town Offices Gymnasium, 50 Billerica Road |
| Precinct 2. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 3. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 4. | Westlands School Cafetorium, 170 Dalton Road |
| Precinct 5. | Byam School Cafetorium, 25 Maple Road |
| Precinct 6. | Westlands School Cafetorium, 170 Dalton Rd |
| Precinct 7. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 8. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 9. | Town Offices Gymnasium, 50 Billerica Road |

**UESDAY, THE SIXTEENTH DAY OF SEPTEMBER, 2008,** from 7:00 A.M. to 8:00 P.M. for the following ose:

To cast their votes in the State Primary for the candidates of political parties for the following offices:

| | | |
|---|---|---|
| SENATOR IN CONGRESS | | for the Commonwealth |
| REPRESENTATIVE IN CONGRESS | | Fifth Congressional District |
| COUNCILLOR | | Third Councilor District |
| SENATOR IN GENERAL COURT | | 3rd Middlesex Senatorial District |
| REPRESENTATIVE IN GENERAL COURT. | Pcts 3,5 & 7. | 2nd Middlesex District |
| REPRESENTATIVE IN GENERAL COURT. | Pcts 1 & 9 .. | 14th Middlesex District |
| REPRESENTATIVE IN GENERAL COURT. | Pcts 2,6,& 8 | 16th Middlesex District |
| REPRESENTATIVE IN GENERAL COURT. | Pct 4 . . . . | 17th Middlesex District |
| REGISTER OF PROBATE | | Middlesex County |

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 11th day of August, 2008.

Selectmen of: Chelmsford

COMMONWEALTH OF MASSACHUSETTS

)DLESEX, SS. 8-12-, 2008

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford osting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington ool Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, tlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small nasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence, Constable

ue Copy Attest:

William E. Spence

iam E. Spence, Constable

TOWN OF CHELMSFORD DEMOCRATIC PRIMARY September 16, 2008

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **SENATOR IN COGRESS** | | | | | | | | | | |
| Blanks | 5 | 1 | 3 | 1 | 7 | 1 | 7 | 1 | 2 | 28 |
| John F Kerry | 168 | 134 | 191 | 136 | 213 | 233 | 261 | 229 | 175 | 1740 |
| Edward J. O'Reilly | 138 | 83 | 139 | 107 | 120 | 144 | 169 | 145 | 105 | 1150 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | | | | | | | | | | 0 |
| TOTAL | 311 | 218 | 333 | 244 | 340 | 378 | 437 | 375 | 282 | 2918 |
| **REP IN CONGRESS 5TH Dist** | | | | | | | | | | |
| Blanks | 75 | 50 | 67 | 64 | 76 | 91 | 113 | 89 | 76 | 701 |
| Nicola S Tsongas | 231 | 163 | 259 | 175 | 258 | 284 | 321 | 284 | 206 | 2181 |
| Write-In | | | | | | | | | | 0 |
| Misc | 5 | 5 | 7 | 5 | 6 | 3 | 3 | 2 | | 36 |
| TOTAL | 311 | 218 | 333 | 244 | 340 | 378 | 437 | 375 | 282 | 2918 |
| **COUNCILLOR 3RD Dist** | | | | | | | | | | |
| Blanks | 90 | 47 | 102 | 74 | 124 | 105 | 169 | 86 | 89 | 886 |
| Marilyn M. Petitto Devaney | 115 | 91 | 124 | 79 | 122 | 134 | 149 | 139 | 102 | 1055 |
| John J Doyle | 72 | 59 | 75 | 70 | 67 | 101 | 87 | 105 | 69 | 705 |
| Thomas L Walsh | 34 | 21 | 31 | 20 | 27 | 37 | 31 | 43 | 22 | 266 |
| Write-In | | | | | | | | | | 0 |
| Misc | | | 1 | 1 | | 1 | 1 | 2 | | 6 |
| TOTAL | 311 | 218 | 333 | 244 | 340 | 378 | 437 | 375 | 282 | 2918 |
| **SENATOR IN GENERAL COURT 3RD Mldsx Dist** | | | | | | | | | | |
| Blanks | 91 | 54 | 93 | 83 | 105 | 98 | 145 | 108 | 94 | 871 |
| Susan C. Fargo | 216 | 159 | 233 | 156 | 232 | 278 | 290 | 265 | 184 | 2013 |
| Write-In | | | | | | | | | | 0 |
| Misc | 4 | 5 | 7 | 5 | 3 | 2 | 2 | 2 | 4 | 34 |
| TOTAL | 311 | 218 | 333 | 244 | 340 | 378 | 437 | 375 | 282 | 2918 |
| **REPRESENTATIVE IN GEN CT 2ND Mldsx Dist Pct 3,5,7** | | | | | | | | | | |
| Blanks | | | 16 | | 16 | | 29 | | | 61 |
| James Archiero | | | 84 | | 63 | | 94 | | | 241 |
| Patricia Wojtas | | | 233 | | 259 | | 314 | | | 806 |
| Write-In | | | 0 | | | | 0 | | | 0 |
| Misc | | | | | 2 | | | | | 2 |
| TOTAL | 0 | 0 | 333 | 0 | 340 | 0 | 437 | 0 | 0 | 1110 |
| **REPRESENTATIVE IN GEN CT 14TH Mldsx Dist Pct 1 & 9** | | | | | | | | | | |
| Blanks | 94 | | | | | | | | 89 | 183 |
| Cory Atkins | 213 | | | | | | | | 188 | 401 |
| Write-In | | | | | | | | | | 0 |
| Misc | 4 | | | | | | | | 5 | 9 |
| TOTAL | 311 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 282 | 593 |
| **REPRESENTATIVE IN GEN CT 16TH Mldsx Dist Pct 2,6,8** | | | | | | | | | | |
| Blanks | | 52 | | | | 81 | | 94 | | 227 |
| Thomas A.Golden, Jr | | 162 | | | | 296 | | 280 | | 738 |
| Write-In | | | | | | | | | | 0 |
| Misc | | 4 | | | | 1 | | 1 | | 6 |
| TOTAL | 0 | 218 | 0 | 0 | 0 | 378 | 0 | 375 | 0 | 971 |
| **REPRESENTATIVE IN GEN CT 17TH Mldsx Dist Pct 4** | | | | | | | | | | |
| Blanks | | | | 74 | | | | | | 74 |
| David M. Nangle | | | | 167 | | | | | | 167 |
| Write-In | | | | | | | | | | 0 |
| Misc | | | | 3 | | | | | | 3 |
| TOTAL | 0 | 0 | 0 | 244 | 0 | 0 | 0 | 0 | 0 | 244 |

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| REGISTER OF PROBATE | | | | | | | | | | |
| Blanks | 142 | 90 | 145 | 110 | 167 | 177 | 224 | 145 | 134 | 1334 |
| John R. Buonomo | 163 | 113 | 171 | 116 | 157 | 177 | 204 | 203 | 124 | 1428 |
| Sean T. O'Donovan | 6 | 4 | 8 | 11 | 7 | 8 | 7 | 15 | 6 | 72 |
| Thomas Concannon | | | 2 | | | 2 | | | 1 | 5 |
| John Lambert | | | | | | 1 | | 4 | | 5 |
| Misc Write-in | | 5 | 3 | 3 | 9 | 9 | 2 | 6 | 11 | 48 |
| Misc | | 6 | 4 | 4 | | 4 | | 2 | 6 | 26 |
| TOTAL | 311 | 218 | 333 | 244 | 340 | 378 | 437 | 375 | 282 | 2918 |

TOWN OF CHELMSFORD REPUBLICAN PRIMARY September 16, 2008

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **SENATOR IN COGRESS** | | | | | | | | | | |
| Blanks | 4 | 11 | 26 | 6 | 20 | 4 | 21 | 14 | 10 | 116 |
| Jeffrey K. Beatty | 66 | 44 | 81 | 41 | 64 | 55 | 99 | 69 | 48 | 567 |
| Write-In | | | | | | | | | | 0 |
| Misc | 1 | | 1 | 1 | 2 | 1 | 1 | 1 | | 8 |
| TOTAL | 71 | 55 | 108 | 48 | 86 | 60 | 121 | 84 | 58 | 691 |
| **REP IN CONGRESS 5TH Dist** | | | | | | | | | | |
| Blanks | 66 | 51 | 95 | 42 | 84 | 55 | 105 | 72 | 58 | 628 |
| Write-In | | | | | | | | | | 0 |
| Misc | 5 | 4 | 13 | 6 | 2 | 5 | 16 | 12 | | 63 |
| TOTAL | 71 | 55 | 108 | 48 | 86 | 60 | 121 | 84 | 58 | 691 |
| **COUNCILLOR 3RD Dist** | | | | | | | | | | |
| Blanks | 69 | 52 | 99 | 44 | 86 | 55 | 109 | 76 | 58 | 648 |
| Write-In | | | | | | | | | | 0 |
| Misc | 2 | 3 | 9 | 4 | | 5 | 12 | 8 | | 43 |
| TOTAL | 71 | 55 | 108 | 48 | 86 | 60 | 121 | 84 | 58 | 691 |
| **SENATOR IN GENERAL COURT 3RD Mldsx Dist** | | | | | | | | | | |
| Blanks | 4 | 1 | 18 | 4 | 17 | 3 | 9 | 3 | 1 | 60 |
| Sandra B. Martinez | 67 | 54 | 90 | 43 | 69 | 55 | 112 | 79 | 57 | 626 |
| Write-In | | | | | | | | | | 0 |
| Misc | | | | 1 | | 2 | | 2 | | 5 |
| TOTAL | 71 | 55 | 108 | 48 | 86 | 60 | 121 | 84 | 58 | 691 |

| | | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **REPRESENTATIVE IN GEN CT 2ND Mldsx Dist Pct 3,5,7** | | | | | | | | | | | |
| Blanks | | | | 5 | | 0 | | 7 | | | 12 |
| Paul J. Avella | | | | 86 | | 75 | | 96 | | | 257 |
| William K. Bunker | | | | 16 | | 11 | | 18 | | | 45 |
| Write-In | | | | | | 0 | | 0 | | | 0 |
| Misc | | | | 1 | | | | | | | 1 |
| TOTAL | | 0 | 0 | 108 | 0 | 86 | 0 | 121 | 0 | 0 | 315 |
| **REPRESENTATIVE IN GEN CT 14TH Mldsx Dist Pct 1 & 9** | | | | | | | | | | | |
| Blanks | | 69 | | | | | | | | 58 | 127 |
| Write-In | | | | | | | | | | | 0 |
| Misc | | 2 | | | | | | | | | 2 |
| TOTAL | | 71 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 58 | 129 |
| **REPRESENTATIVE IN GEN CT 16TH Mldsx Dist Pct 2,6,8** | | | | | | | | | | | |
| Blanks | | | 51 | | | | 55 | | 74 | | 180 |
| Write-In | | | | | | | | | | | 0 |
| Misc | | | 4 | | | | 5 | | 10 | | 19 |
| TOTAL | | 0 | 55 | 0 | 0 | 0 | 60 | 0 | 84 | 0 | 199 |
| **REPRESENTATIVE IN GEN CT 17TH Mldsx Dist Pct 4** | | | | | | | | | | | |
| Blanks | | | | | 43 | | | | | | 43 |
| Write-In | | | | | | | | | | | 0 |
| Misc | | | | | 5 | | | | | | 5 |
| TOTAL | | 0 | 0 | 0 | 48 | 0 | 0 | 0 | 0 | 0 | 48 |
| **REGISTER OF PROBATE** | | | | | | | | | | | |
| Blanks | | 66 | 49 | 96 | 40 | 80 | 54 | 109 | 71 | 50 | 615 |
| John Lambert, write-in | 4 | 4 | 3 | 5 | 2 | 4 | | 3 | | 5 | 26 |
| Sean T. O'Donovan, write-in | | | 1 | | | | | 1 | 3 | 3 | 8 |
| Misc Write-in | 1 | 1 | 0 | 1 | 1 | 2 | 1 | 2 | 3 | 0 | 11 |
| Misc | | | 2 | 6 | 5 | | 5 | 6 | 7 | | 31 |
| TOTAL | | 71 | 55 | 108 | 48 | 86 | 60 | 121 | 84 | 58 | 691 |

TOWN OF CHELMSFORD GREEN RAINBOW PRIMARY September 16, 2008

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **SENATOR IN COGRESS** | | | | | | | | | | |
| Blanks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| TOTAL | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| **REP IN CONGRESS 5TH Dist** | | | | | | | | | | |
| Blanks | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| **COUNCILLOR 3RD Dist** | | | | | | | | | | |
| Write-In | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 1 | | | | | | | | | 1 |
| TOTAL | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| **SENATOR IN GENERAL COURT 3RD Mldsx Dist** | | | | | | | | | | |
| Blanks | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | | | | | | | | | | 0 |
| TOTAL | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| **REPRESENTATIVE IN GEN CT 2ND Mldsx Dist Pct 3,5,7** | | | | | | | | | | |
| Blanks | | | 0 | | 0 | | 0 | | | 0 |
| Write-In | | | 0 | | 0 | | 0 | | | 0 |
| Misc | | | | | | | | | | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **REPRESENTATIVE IN GEN CT 14TH Mldsx Dist Pct 1 & 9** | | | | | | | | | | |
| Blanks | 1 | | | | | | | | 0 | 1 |
| Write-In | 0 | | | | | | | | 0 | 0 |
| Misc | | | | | | | | | | 0 |
| TOTAL | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| **REPRESENTATIVE IN GEN CT 16TH Mldsx Dist Pct 2,6,8** | | | | | | | | | | |
| Blanks | | 0 | | | | 0 | | 0 | | 0 |
| Write-In | | 0 | | | | 0 | | 0 | | 0 |
| Misc | | | | | | | | | | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **REPRESENTATIVE IN GEN CT 17TH Mldsx Dist Pct 4** | | | | | | | | | | |
| Blanks | | | | 0 | | | | | | 0 |
| Write-In | | | | 0 | | | | | | 0 |
| Misc | | | | | | | | | | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **REGISTER OF PROBATE** | | | | | | | | | | |
| Blanks | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | | | | | | | | | | 0 |
| TOTAL | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |

TOWN OF CHELMSFORD WORKING FAMILY PRIMARY September 16, 2008

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **SENATOR IN COGRESS** | | | | | | | | | | |
| Blanks | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 |
| TOTAL | 0 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 4 |
| **REP IN CONGRESS 5TH Dist** | | | | | | | | | | |
| Blanks | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 3 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| TOTAL | 0 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 4 |
| **COUNCILLOR 3RD Dist** | | | | | | | | | | |
| Blanks | 0 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 4 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 4 |
| **SENATOR IN GENERAL COURT 3RD Mldsx Dist** | | | | | | | | | | |
| Blanks | 0 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 3 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| TOTAL | 0 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 4 |
| **REPRESENTATIVE IN GEN CT 2ND Mldsx Dist Pct 3,5,7** | | | | | | | | | | |
| Blanks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| **REPRESENTATIVE IN GEN CT 14TH Mldsx Dist Pct 1 & 9** | | | | | | | | | | |
| Blanks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **REPRESENTATIVE IN GEN CT 16TH Mldsx Dist Pct 2,6,8** | | | | | | | | | | |
| Blanks | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| **REPRESENTATIVE IN GEN CT 17TH Mldsx Dist Pct 4** | | | | | | | | | | |
| Blanks | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
| **REGISTER OF PROBATE** | | | | | | | | | | |
| Blanks | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| Sean T. O'Donovan, write-in | 0 | 1 | | 2 | 0 | 0 | 0 | 0 | 0 | 3 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 1 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 4 |

**TOWN OF CHELMSFORD**
**WARRANT FOR THE**
**FALL 2008**
**ANNUAL TOWN MEETING**

**OCTOBER 20, 2008**

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet at the Senior Center, 75 Groton Road, North Chelmsford on Monday, the twentieth of October in the year two-thousand and eight at 7:30 p.m. in the evening and there to act upon the following articles, VIZ:

**ARTICLE 1:** To hear reports of the Town Officers and Committees; or act in relation thereto.

**SUBMITTED BY: Board of Selectmen**

**ARTICLE 2:** To see if the Town will vote to appropriate from Free Cash a certain sum of money to the Stabilization Fund; or act in relation thereto.

**SUBMITTED BY: Board of Selectmen**
**Town Manager**
***Two-Thirds Vote***

**ARTICLE 3.** To see if the Town will vote to transfer a certain sum of money from Special Revenue to the School Department, said funding coming from E-Rate reimbursements; or act in relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 4.** To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money with which to pay bills of previous fiscal years; or act in relation thereto.

**SUBMITTED BY: Town Manager**
***Four-Fifths Vote***

**ARTICLE 5.** To see if the Town will vote to amend the Fiscal Year 2009 operating budget voted under Article 4 of the Annual Town Meeting held on April 28, 2008 as follows:

Increase Line Item #5 Out of District Tuition by a sum of money
Increase Line Item #21 Excluded Debt & Interest by a sum of money

and that the Town raise and appropriate or transfer from available funds a sum of money to defray Town charges for the fiscal period July 1, 2008 to June 30, 2009; or act in relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 6**. To see if the Town will vote to appropriate a certain sum of money from Sewer Betterments to offset the FY09 excluded debt service budget as voted in Line Item #21 (Excluded Debt & Interest) under Article 4 of the Annual Town Meeting held on April 28, 2008; or act in relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 7**. To see if the Town will vote to approve the Tax Increment Financing Agreement between the Town and L-1 Identity Solutions, Inc., substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("the 250 Apollo Drive Economic Opportunity Area"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the 250 Apollo Drive Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.

**SUBMITTED BY: Board of Selectmen**

**ARTICLE 8**. To see if the Town will vote to appropriate the sum of $50,000 from the Community Preservation Historic Preservation Reserve, for the repair of the roof and structure of the Barrett-Byam Homestead, 40 Byam Road, and for the purchase of an archival scanning and storage system for the Chelmsford Historical Society, or act in relation thereto.

**SUBMITTED BY: Town Manager**
**Community Preservation Committee**

**ARTICLE 9.** To see if the Town will vote to reserve for future appropriation amounts from FY2009 Community Preservation Fund revenues as recommended by the Community Preservation Committee:

(1) a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use;
(2) a sum of money for the acquisition and preservation of historic resources;
(3) a sum of money for the creation, preservation and support of community housing;
(4) a sum of money for the Community Preservation Fund FY2009 Budgeted Reserve;

or act in relation thereto.

**SUBMITTED BY: Town Manager**
**Community Preservation Committee**

**ARTICLE 10.** To see if the Town will vote to amend its vote taken under Article 13 of the April 27, 2000 Annual Town Meeting pertaining to the Town's acceptance of the provisions of Massachusetts General Laws Chapter 59, Section 5K which authorizes the Town to establish a senior citizens's property tax work-off abatement program by increasing the total amount of abatements that may be granted under this program above $20,000 in any given year; or act in relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 11**: To see if the Town will vote to amend Chapter 119, Poles and Wires, of the Chelmsford Town Code by adding the provisions underlined, as shown below.

## Chapter 119: POLES AND WIRES

[HISTORY: Adopted by the Annual Town Meeting of the Town of Chelmsford 4-26-99 by Art. 17. Amendments noted where applicable.]

**§119-1. Definitions.**

For purposes of this chapter, the definitions of "person," poles and overhead wires and associated overhead structures and "utility" shall be the same definitions as those set forth in MGL c. 166, §22A.

**§119-2. Prohibiting installation of new poles and overhead wires.**

A. No utility shall install or construct, except by way of replacement or upgrading of existing facilities, any poles and overhead wires and associated overhead structures upon, along or across any public way within the parts of the town listed in §§119-2B and 119-3A of this chapter. Any poles and overhead wires and associated overhead structures upon, along overhead wires and associated overhead structures installed or constructed in violation of this chapter shall be immediately removed by the utility responsible therefor.

B. This chapter applies to the following parts of town:

(1) Any public way approved by the Planning Board after the effective date of this chapter unless waived by the Planning Board pursuant to the Subdivision Rules and Regulations. Editor's Note: See Ch. 202. Subdivision of Land.

(2) Any way in which the wires and utility facilities are underground as of the effective date of this chapter.

C. Any person who installs or constructs any poles and overhead wires and associated overhead structures which are in violation of this chapter shall be punished by a fine of not less than $1,000 and not more than $5,000 for each consecutive fifteen-day period during which the failure continues.

D. This chapter implements MGL c. 166, §22C and shall be construed in a manner consistent with the definitions in MGL c. 166, §22A.

**§119-3. Removal of existing poles and overhead wires.**

A. Any utility presently owning or operating poles or overhead wires and associated overhead structures within the Town of Chelmsford shall remove said poles or overhead wires and associated overhead structures. Said removal shall occur in the area known as Chelmsford Center extending from Larcom Square through the Center, around the Common and north to the intersection of Chelmsford and Fletcher Streets as shown on a plan on file with the Town Clerk entitled "Chelmsford Center Utility Depression Area," dated March 15, 1999.

B. Any utility that fails to remove any poles or overhead wires and associated overhead structures required to be removed pursuant to §119-3A of this chapter shall be punished by a fine of not less than $1,000 and not more than $5,000 for each fifteen-day period during which such failure continues, provided, however, that no utility shall have been deemed to have violated this chapter, provided that:

(1) If replacement facilities for poles or overhead wires and associated overhead structures required to be removed will be needed in order for a utility to continue its service, the utility shall, within 60 days of the effective date of this chapter, petition the Board of Selectmen of the Town of Chelmsford, pursuant to MG. c. 166, §22, for permission to install, erect or construct under the public ways of the Town of Chelmsford replacement facilities for such poles or overhead wires and associated structures; and

(2) The utility shall file with the Board of Selectmen of the Town of Chelmsford a plan (which shall be consistent with §119-3A of this chapter), for removal of poles or overhead wires and associated overhead structures and, if needed, for their replacement with underground facilities. The removal described on the plan may be implemented in phases, as may from time-to-time be determined by the Board of Selectmen. In determining if the plan shall be implemented in phases, the Board of Selectmen shall consider the following factors, among other relevant factors: the total cost of completing the work under the plan; the amount of funds collected by the utility from its customers in the Town of Chelmsford in relation to the total cost of completing the work under the plan; and the progress the utility is making towards completing the work under the plan. Any phasing of the implementation of the plan shall not constitute an amendment of the plan. In determining whether to undertake the removal shown on the plan in phases, the Board of Selectmen shall consult with the utility. The decision regarding phasing shall be in the sole discretion of the Board of Selectmen.; and

(3) In each calendar year beginning with the calendar year next following the effective date of this chapter and until all such poles or overhead wires and associated overhead structures shall have been removed, any utility shall, in carrying out its plan, allocate and expend for the direct cost of demolition and construction (over and above the reasonable value of salvage) an amount which shall not be less than 2% of its gross revenues derived during the next preceding calendar year from its customers in the Town of Chelmsford; and

(4) The utility shall, on or before the last day of March in each year, file with the Board of Selectmen of the Town of Chelmsford a statement signed under the penalties of perjury, by its Treasurer, setting forth in detail the amounts spent by the utility during the immediately preceding calendar year in carrying out its plan; the purposes for which such expenditures were made; the gross revenues derived from its customers in the Town of Chelmsford during the immediately preceding calendar year; provided, however, that no utility which enters a cooperative agreement under MGL c. 166, §22 shall be deemed to have violated this chapter during the term such payments are to be made, so long as said utility shall not be in default of said cooperative agreement.

(5) Commencing with the calendar year beginning January 1, 2009, the funds collected by the utility from its customers in the Town of Chelmsford shall be placed by the utility in a separate interest-bearing account. The interest accrued on such funds shall remain with the account and shall be available for and used by the utility in furtherance of the completion of the plan described in §119-3.A and §119-3.B.2. All funds collected by utility as a surcharge prior to January 1, 2009 shall be transferred as of January 1, 2009 to the interest-bearing account. Commencing with the statement due for the calendar year 2008, the utility shall include in its statement under §119-3-B.4, the following information regarding the interest for the preceding calendar year: the number of customers in the Town of Chelmsford from whom the funds are collected; the name and address of the financial institution or other entity where the interest-bearing account is located; the amount of interest accrued to the account during the immediately receding calendar year for which the statement is being provided.

(6) The statement required under §119-3.B.4 shall not qualify as "setting forth in detail" the required information unless the statement includes the following information:

a. The number of customers in the Town of Chelmsford from whom the surcharge has been collected during the immediately preceding calendar year;
b. The amount of the surcharge collected from the customers in the Town of Chelmsford during the immediately preceding calendar year;
c. The amount of the interest accrued on the surcharge collected from the customers in the Town of Chelmsford during the immediately preceding calendar year;
d. The address of the financial institution or other entity where the interest-bearing account is located;
e. The amount of interest accrued to the account during the immediately preceding calendar year for which the statement is being provided;
f. The specific purpose and amount for each cost incurred or disbursement made over $100 regarding implementation of the plan;
g. The name, street mailing address and electronic mail address, if available, of each vendor or other entity to whom a payment over $100 was made regarding implementation of the Plan; and
h. The amount of funds remaining in the interest-bearing account as of December 31 of the preceding calendar year.

(7) The Board of Selectmen may temporarily or permanently suspend the amount collected from the utility's customers in the Town of Chelmsford under §119-3.B.3 above, upon the following:

a. The Board of Selectmen gives notice of and holds a public hearing regarding consideration of such suspension.
b. The notice of the public hearing is published in a newspaper of general circulation in the Town and posted on a Town bulletin board and on the Town's website at least fourteen days before the date of the hearing.
c. The notice of public hearing is sent by return receipt requested mail at least fourteen days before the date of the hearing to the utility for which the suspension is being considered.
d. After hearing, the Board of Selectmen finds that:
    i. The utility has collected sufficient funds from the customers in the Town of Chelmsford to carry out the plan described in §119-3.A. and §119-3.B.2; or
    ii. The utility has collected sufficient funds from its customers in the Town of Chelmsford to fund the phase of the plan described in §119-3.A. and §119-3.B.2.

**And further,** to authorize the Board of Selectmen to petition the General Court for special legislation entitled, "An Act To Authorize the Town of Chelmsford to Regulate the Removal of Aboveground Utility Poles and Overhead Wires and other Associated Structures and to Regulate the Installation of Underground Wires and Associated Structures," as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to bill before enactment by the General

Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

**AN ACT TO AUTHORIZE THE TOWN OF CHELMSFORD TO REGULATE THE REMOVAL OF ABOVEGROUND UTILITY POLES AND OVERHEAD WIRES AND OTHER ASSOCIATED STRUCTURES AND TO REGULATE THE INSTALLATION OF UNDERGROUND WIRES AND ASSOCIATED STRUCTURES**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Notwithstanding any general or special law or by-law or regulation to the contrary, the Town of Chelmsford is hereby authorized to take the following action regarding the removal of aboveground utility poles and overhead wires and other associated structures and to regulate the installation of underground wires and associated structures.

**SECTION 2.** The Town of Chelmsford may adopt a plan for the removal of aboveground utility poles and overhead wires and the installation of underground wires and associated structures and conduits ("the Plan"). After the Plan is adopted, it may be implemented in phases, as may from time-to-time be determined by the Board of Selectmen. In determining if the Plan shall be implemented in phases, the Board of Selectmen shall consider the following factors, among other relevant factors: the total cost of completing the work under the Plan; the amount of funds collected by the utility from its customers in the Town of Chelmsford in relation to the total cost of completing the work under the Plan; and the progress the utility is making towards completing the work under the Plan. Any phasing of implementing the Plan shall not constitute an amendment of the Plan. In determining whether to undertake the removal shown on the Plan in phases, the Board of Selectmen shall consult with the utility. The decision regarding phasing shall be in the sole discretion of the Board of Selectmen.

**SECTION 3.** The utility may charge its customers in the Town of Chelmsford a surcharge as provided for in General Laws, c.166, §22D, or successor statute, to pay for the work provided for in the Plan ("the Surcharge"). Commencing with the calendar year beginning January 1, 2009, the Surcharge collected by the utility from its customers in the Town of Chelmsford in accordance with a Plan shall be placed by the utility in a separate interest-bearing account. The interest accrued on such funds shall remain with the account and shall be available for and used by the utility in furtherance of completion of the Plan. All funds collected by the utility from its customers in the Town of Chelmsford as a surcharge prior to January 1, 2009 pursuant to a Town By-law prohibiting the installation of new poles and overhead wires and regulating the installation of underground wires shall be transferred as of January 1, 2009 to the separate interest-bearing account required under this section.

**SECTION 4.** Commencing with the calendar year 2009, on or before March 31 of each year, the utility shall prepare a detailed report to the Chelmsford Board of Selectmen regarding the actions taken to implement the Plan. The report shall include, but not be limited to the following information: the number of customers in the Town of Chelmsford from whom the Surcharge has been collected during the immediately preceding calendar year; the amount of the Surcharge

collected from the customers in the Town of Chelmsford; the name and address of the financial institution or other entity where the interest-bearing account is located; the amount of interest accrued to the account during the immediately preceding calendar year for which the report is being provided; the specific purpose and amount for each cost incurred or disbursement made over $100 regarding implementation of the Plan; the name, street mailing address and electronic mail address, if available, of each vendor or other entity to whom a payment over $100 was made regarding implementation of the Plan; and the amount of funds remaining in the interest-bearing account as of December 31 of the preceding calendar year.

**SECTION 5.** The Board of Selectmen may temporarily or permanently suspend the collection of the Surcharge from the utility's customers in the Town of Chelmsford upon the following: (a) The Board of Selectmen gives notice of and holds a public hearing regarding consideration of such suspension; (b)The notice of the public hearing is published in a newspaper of general circulation in the Town and posted on a Town bulletin board and on the Town's website at least fourteen days before the date of the hearing; (c) The notice of public hearing is sent by return receipt requested mail at least fourteen days before the date of the hearing to the utility for which the suspension is being considered; (d) After hearing, the Board of Selectmen finds: (i) the utility has collected sufficient funds through the Surcharge from the customers in the Town of Chelmsford to carry out the Plan; or (ii) the utility has collected sufficient funds from its customers in the Town of Chelmsford through the Surcharge to fund a phase of the Plan.

**SECTION 6.** This act shall take effect upon its passage.

Or act in relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 12**: To see if the Town will vote to amend the Town Code, Chapter 195, "Zoning Bylaw," Article III, Use Regulations, §195-8, Nonconforming uses and structures, by adding the following new sentence to §195-8.A: " For the purposes of §195-8.B and §195-8.C, the Board of Appeals shall be the special permit granting authority for single and two-family dwellings and the Planning Board shall be the special permit granting authority for all other uses and structures, including multi-family and non-residential uses and structures"; and by adding the phrase "or the Planning Board, as applicable," following the phrase "Board of Appeals" in §195-8.B. and §195-8.C. as shown in below; for the purpose of transferring the special permit granting authority for nonconforming multi-family and non-residential uses and structures from the Board of Appeals to the Planning Board, or act in relation thereto,

**§ 195-8. Nonconforming uses and structures.**

A. Applicability. This chapter shall not apply to structures or uses lawfully in existence or lawfully begun or to a building or special permit issued before the first publication of notice of the public hearing required by MGL c. 40A, § 5 at which this chapter, or any relevant part thereof, was adopted. Such prior lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless

authorized hereunder. For the purposes of §195-8.B and §195-8.C, the Board of Appeals shall be the special permit granting authority for single and two-family dwellings and the Planning Board shall be the special permit granting authority for all other uses and structures, including multi-family and non-residential uses and structures.

B. Nonconforming uses. The Board of Appeals or the Planning Board, as applicable, may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals or the Planning Board, as applicable:

(1) Change or substantial extension of the use.

(2) Change from one nonconforming use to another, less detrimental, nonconforming use.

C. Nonconforming structures. The Board of Appeals or the Planning Board, as applicable, may award a special permit to reconstruct, extend, alter or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals or the Planning Board as applicable:

(1) Reconstructed, extended or structurally changed.

(2) Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

(3) Reconstructed after a catastrophe, provided that the owner shall apply for a building permit and start operations for reconstruction on said premises within two years after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure.

D. The reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

E. Nonconforming single- and two-family residential structures. Nonconforming single- and two-family residential structures may be reconstructed, extended, altered or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration or change does not increase the nonconforming nature of said structure. In the event that the Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Extension or alteration of nonconforming single- and two-family structures shall be allowed by right so long as such extension or alteration is within the existing footprint.

F. Abandonment or nonuse. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this chapter.

G. Reversion to nonconformity. No nonconforming use shall, if changed to a conforming.

*{Section 195-8 of the zoning bylaw regulates the alteration, expansion, change, etc for non conforming uses & structures. Currently, the ZBA has the authority to grant special permits for the alteration of all non-conforming uses and structures included single & two family dwellings, multi-family dwellings, and all commercial / industrial properties.*

*The proposed zoning amendment would transfer the existing special permit from the ZBA to the PB for all multi-family and commercial / industrial properties. The ZBA would continue to issue special permits for all single & two family dwellings.*

*This revision would result in the following:*

1. *Strengthen the regulatory relationship between the discretionary special permit process, the use, and the by –right Site Plan process, the physical site design.*
2. *Opportunity to streamline the permitting process from an internal (Town Hall) and external (developers) perspective. Internally, where both Boards are involved, the permitting process has a tendency to be more lengthy than necessary due to the fact that both Boards review the same plans and a similar set of issues. Externally, requiring an applicant to receive permits from two separate boards, regarding the same set of issues, is not perceived as "customer friendly" or "one-stop permitting".*
3. *Opportunity to use departmental / staff support more effectively.}*

**SUBMITTED BY: Planning Board**
***Two-Thirds Vote***

**ARTICLE 13.** To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 43D as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006 and to approve the filing of an application with the Interagency Permitting Board for the designation of land at 25 Katrina Road identified by the Board of Assessors as Map 52, Block 234, Parcel 2, as a Priority Development Site; or act in relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 14.** To see if the Town will vote to amend Chapter 16, Buildings, Demolition of, of the Chelmsford Town Code as shown below in italics:

**§16-1. Permit Required.**

No building shall be demolished in whole or in part in the Town of Chelmsford without a permit from the Building Inspector.

**§16-2. Procedure; delay; alternatives; emergencies; violations and penalties**

A. Intent and purpose; definition.

(1) It is the intent and purpose of this chapter to preserve and protect from demolition, historically significant buildings and structures which reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the town: to encourage owners of such buildings or structures to explore and develop alternatives to such demolition: to seek out persons or entities who might be willing to purchase, preserve, rehabilitate, or restore such buildings or structures rather than demolish them: and thereby to preserve the historic resources of the Town, and to make the Town a more attractive and desirable place in which to live, and so promote the general welfare.

(2) For purposes of the *chapter* ~~*bylaw*~~, "the term demolition" shall mean, any act of pulling down, destroying, moving, removing or razing a building or structure or any portion thereof, including destruction through willful neglect or arson.

B. Procedure.

(1) Notice of Intent to Demolish: No demolition permit shall be issued for any building or structure that was constructed (75) or more years prior to the year of the application, other than in conformity with the provisions of this chapter. The ~~*applicant and/or*~~ property owner shall first file an application for a demolition permit with the Inspector of Buildings, and the Inspector of Buildings shall forward a copy of such application within one week to the Historical Commission, the Board of Selectmen, and the Planning Board. *The application shall be reviewed by the Historical Commission at its next regular meeting*. Such application shall be in the form provided and established by the Inspector of Buildings *in consultation with the Historical Commission* and shall include a copy of the demolition plan, a description of the building or structure to be demolished, the reasons for the demolition and the proposed reuse of the property*, including a written description or concept plan describing the proposed reuse*. If the ~~*applicant and/or*~~ property owner is unable to specify the exact age of the building or structure, the application shall so state, and shall set forth the best-known estimate of age and the basis for such estimate.

(2) Determination of Significance: A building or structure which was constructed seventy-five 75 or more years prior to the year of the application may be deemed to be significant if the Historical Commission, at a public meeting, finds that the building or structure is significant to the architectural, cultural, political, economic or social history of the Town.

(3) Non-Applicability: Upon determination by the Historical Commission that the building or structure is not historically significant, the Historical Commission shall submit a negative finding to the ~~*applicant and/or*~~ property owner, and a copy thereof shall be furnished to the Inspector of Buildings. Upon receipt of such notification, or after the expiration of ~~*60*~~ *120* days from the date of submission of the demolition application to the Historical Commission, the Inspector of Buildings may issue the demolition permit.

C. Public Hearing: Unless the Historical Commission has determined that the building or structure is not historically significant. The Historical Commission shall hold a public hearing to determine if the building or structure is "preferably preserved." The Historical Commission shall hold a public hearing within ~~45~~ *60* days from the date of submission of the demolition application to the Commission. *The date of submission shall be the date the application is received at a meeting of the Commission.* Notice of the Public Hearing shall be provided as described in Massachusetts General Laws (M.G.L.) Chapter 40A, § 11. The Historical Commission at the expense of the ~~*applicant*~~ *owner* shall complete the newspaper publication and abutter notification. Within ~~15~~ 30 days of the close of the public hearing, the Historical Commission shall make one of the following determinations:

(1) Preferably Preserved: If the proposed demolition would be detrimental to the architectural, cultural, political, economic or social heritage or resources of the Town, then such building or structure shall be considered preferably preserved.

(2) Not Preferably Preserved: If the Commission finds that the building or structure is not preferably preserved or where less than a complete demolition is being proposed, that the work to be done will not materially diminish its historical significance, the Inspector of Buildings may thereafter allow demolition in accordance with applicable law. The failure of the Historical Commission to issue its written determination within ~~15~~ *30* days after the close of the hearing shall be deemed to constitute a determination that the building or structure is not considered preferably preserved.

D. Delay of Demolition. If the Historical Commission determines that the building or structure is preferably preserved, it may impose a demolition delay of up to 12 months from the date of such determination. Written notice of its determination and the period of delay imposed shall be mailed promptly to the ~~*applicant and/or*~~ property owner, and a copy thereof shall be furnished to the Inspector of Buildings who shall not issue a demolition permit during the period specified therein. However, such permit may be issued prior to the end of such period if the Historical Commission notifies the Inspector of Buildings that the ~~*applicant and/or*~~ property owner: **(i)** has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to preserve, rehabilitate, restore or relocate same, or **(ii)** has agreed to alternatives to demolition set forth in Section E.

E. Alternatives to Demolition. If the Historical Commission imposes a demolition delay as set forth in Section D and/or if alternatives to demolition are developed in or after the Public Hearing which are acceptable to the ~~*applicant and/or*~~ owner, then the Historical Commission is hereby empowered, in its discretion, to enter into an agreement with such ~~*applicant and/or*~~ owner providing for such alternatives and a time period for implementation of same. A copy of said agreement shall be filed with the Inspector of Buildings and any other applicable Town ~~*Agency*~~ *department, board or commission* and thereafter no work shall be done on the building or structure except in accordance with the terms of said agreement unless and until a new application for a demolition permit is filed and processed hereunder.

F. Expiration of Demolition Delay. At the end of any period of demolition delay as set forth in this chapter, including any alternatives agreed upon pursuant to Section E, the Historical Commission shall notify the Inspector of Buildings the period of delay has expired and the

~~applicant and/or~~ property owner shall be entitled to apply for all necessary demolition permits to allow the work to go forward as set forth in the Demolition Permit, and pursuant to applicable law

G. Emergency Demolition. Nothing in this chapter shall restrict or prevent the Inspector of Buildings from ordering the immediate demolition of any building or structure that is determined to be imminently dangerous or unsafe to the public. The Inspector of Buildings shall file a copy of any such order of emergency demolition with the Historical Commission.

H. Enforcement and Remedies.

(1) Enforcement: The Inspector of Buildings shall have the authority to enforce this chapter in the manner described in Section 195-100 of the Chelmsford Zoning Bylaw.

(2) Issuance of Building Permit: No building permit shall be issued or be valid for any parcel or premises upon which a historically significant building or structure, or property has been demolished by an intentional or grossly negligent violation of this chapter, for a period of up to three years after a completion of such demolition.

(3) Multiple remedies: The remedies and enforcement procedures set forth in this section may be applied separately or in conjunction with one another.

I. Penalty. Any person violating any of the provisions of this chapter shall be fined not more than $300 for each offense. Each day that such violation continues shall constitute a separate offense.

J. Request for Enforcement. If the Inspector of Buildings is requested in writing to enforce this chapter against any person allegedly in violation of the same, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, with 14 days of receipt of such request.

K. Historic Districts Act. If any of the provisions of this chapter shall conflict with the Historic Districts Act. M GL c. 40C, the state statute shall prevail.

L. Validity. The invalidity of any section or provision of this chapter shall not render invalid any other section or provision of this chapter.
Or act or relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 15**. To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Moore Street/Ledge Road Area – Phase 4I Sewers" dated October, 2008, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other

appurtenances thereto; and to see if the Town will vote to raise and appropriate, transfer from the Stabilization Fund, transfer or appropriate from revenue sharing funds and/or borrow a certain sum of money under Massachusetts General Laws, Chapter 44, or any other enabling authority, to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying damages which may be awarded as a result of such taking; or act in relation thereto.

**SUBMITTED BY: Sewer Commission**
***Two-Thirds Vote***

**ARTICLE 16**. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation entitled, "An Act Relative to the Minimum Years-of-Service Required to be Eligible for Civil Service Promotions to the Position of Fire Captain in the Town of Chelmsford," as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

**AN ACT RELATIVE TO THE MINIMUM YEARS-OF-SERVICE REQUIRED TO BE ELIGIBLE FOR CIVIL SERVICE PROMOTIONS TO THE POSITION OF FIRE CAPTAIN IN THE TOWN OF CHELMSFORD.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding the provisions of chapter 31 of the general laws, or of any other general or special law, charter, by-law, rule or regulation to the contrary, in the town of Chelmsford, in order to be eligible for civil service promotions to the rank of Fire Captain within the Fire Department, an applicant must have at least 10 years prior service in the rank of firefighter or higher within a civil service Fire Department. Any person who does not meet this requirement shall not be eligible to take a promotional examination for the position of Fire Captain in the Chelmsford Fire Department. Except as otherwise provided herein, such applicants for promotional appointments shall be subject to all applicable provisions of said chapter 31.

**SECTION 2.** This act shall take effect upon its passage.

Or act in relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 17.** To see if the Town will vote to establish the section of Pond Street (that essentially transverses the beach) as an unpaved right of way closed to motor vehicular traffic with the exception of emergency and utility vehicles.

This section is defined as extending from the Freeman Rail Trail aka Bike Path (old RR) property line, running approximately 330 feet west to the fire hydrant at approximately the location of the end of the existing relatively new bituminous pavement.

**SUBMITTED BY: Citizen Petition**

**ARTICLE 18.**

- Create a new Town by-Law to supersede Section 2.3, Sewer Unit Value Determination, located in the "BETTERMENT ASSESSMENTS AND SEWER PRIVILAGE FEES", Town of Chelmsford, MA. Last revised April 23, 2002.

2 - All contract numbers mention/referenced in this Article, shall be found in the "BETTERMENT ASSESSMENTS AND SEWER PRIVILAGE FEES" Last revised April 23, 2002

3 - Effective immediately upon passage of this warrant article, all future contracts, the Betterment Fee shall not exceed $1,250.00.

4 - All Contract Numbers after "Construction Phase "1A", (contract # 86-I thru 06-2, and future contracts) shall be reassessed to that of Construction Phase "1A" ($1,250.00).

5 - All home owners paying Betterment Fees in excess of $1,250.00 shall be reimbursed the difference between the actual amount paid, and the Betterment Fee of $1,250.00. The homeowner must still be living in the residence/home that they paid the betterment fee on. (See REBATES 1, 2)

6 - Rebates to Homeowners shall be distributed as shown:

7 - This Article applies only to Single Family Houses, Double (Two) Family Houses, and Triple (Three) Family Houses, Duplex Houses and Town Houses, and are still living in the house. The rebate does not apply to Apartment Buildings, Condos, or Boarding Homes.

REBATES

1 - Rebates will only be available to those residents that paid in excess of the Betterment Fee of $1,250.00, who still own the home that the Betterment Fee was assessed (paid).

2 - Homeowners who have sold the home that the Betterment Fee was higher than the $1,250.00 assessed (paid) will be considered to have been reimbursed upon completion of the home sale.

3 - Effective with Contract 86-1 (Distr. Laterals), and all Contracts after Contract 86-1, those homeowners that paid excess of the Betterment Fee ($1,250.00), shall be reimbursed the difference of the amount paid.

4 - All homeowners that paid the excess of the Betterment Fee ($1 ,250.00), will be issued a credit of $100.00 or less, depending upon the amount left to be satisfied, per billing cycle (statement/s),(2 billing cycles per year), not to exceed $200.00 credit per year. If billing cycle (statement) increases to a maximum of 3 or 4 per year, then the credit maximum per billing shall/will not exceed more than $100.00 per billing cycle (statement).

5- Effective with Contract 02-1 , Livery Road Area, the rebate after the 1st year will increase to $200.00 per billing cycle (statement/s), (2 billing cycles per year), not to exceed $400.00 per year. If billing cycle (statement/s) increases to a maximum of 3 or 4 per year, then the credit maximum per billing shall/will not exceed more than $200.00 per billing cycle (statement).

6 - All homeowners that are paying the Betterment Fee ($1,250.00) via monthly payments will continue payment until the Betterment Fee is paid in Full ($1,250.00). All homeowners that have paid in excess of the Betterment Fee ($1,250.00) will be refunded the excess paid as shown above in #4 and #5 above.

7 - If the homeowner sells his home/property during the rebate process, the rebate process will end at the date of the last meter reading. If the amount is less than the credit amount due, the sewer bill will be considered paid in full.

**SUBMITTED BY: Citizen Petition**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 18th day of September, 2008.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Philip M. Eliopoulos, Chairman

Clare L. Jeannotte, Vice Chair

Patricia Wojtas, Clerk

William F. Dalton

Eric R. Dahlberg

## NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of October 20, 2007 to be held at the Chelmsford Senior Center, 75 Groton Road, North Chelmsford then:

Thursday, October 23, 2008 at 7:30 p.m.

Monday, October 27, 2008 at 7:30 p.m.

Thursday, October 30, 2008 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10.

Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. Sept 22, , 2008

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence,
Constable

A True Copy Attest,

William E. Spence,
Constable

**Annual Fall Town Meeting**
**October 20, 2008**

The Annual Fall Town Meeting was called to order at 7:40 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **140** Town Meeting Representatives present. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions. Town Counsel for this meeting from Kopleman and Paige would be Attorney John Giorgio. The Moderator then asked for a moment of silence in honor of Nancy Robinson from Pct 1. Past Pct 4 Representative Joel Karp and George Abley who was a current member of the Sewer Commission and past Pct 2 Representative. Selectman Philip M. Eliopoulos moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. **Motion carried, unanimously.** Selectman Philip M. Eliopoulos moved that the reading of the entire warrant be waived. **Motion carried, unanimously**.

**UNDER ARTICLE 1:** Selectman Philip M. Eliopoulos moved that the Town vote to hear reports of the Town Officers and Committees.

The Town Manager welcomed the Body and said that there are not many articles to be address during this annual Fall meeting. The Body will hear the Town's five year forecast as per by-law from the Financial Director John Sousa. He will give a report on what the Town's response is to the fiscal challenge before it and the Commonwealth. Phil Stanway will report on the Capital Improvements made to the Town's open space areas. At this time he said that Chairman of the Board of Selectmen Philip Eliopoulos would like to address the Body. Selectman Eliopoulos said that the Board of Selectmen wanted to update the public on a topic that was discussed a week ago. Currently the Town is divided into four Representative districts. At this time the Board is going to form a Committee regarding the issue. The time is right to pursue the matter because of the upcoming 2010 State census which when completed, is when the forming of districts is decided. The Board is asking that if there are any individuals who would be able to offer any expertise or have any interest to serve to contact the Board. The Committee will be formed within the next couple of months. The Body responded with a round of applause. Philip Stanway, current lead Stewart of the Chelmsford Open Space Stewardship spoke to the Body. The stewardship was formed in 2005. It is the volunteer wing of the Conservation Commission. Their purpose is to clear and mark trails, repair bridges and generally clean up the Town. They maintain ten sites in Town. He gave the website that the public could view for more information. He presented a brief slide show showing all the Town's open space areas giving a verbal description of each site. The areas mentioned were The Lime Quarry Reservation, Crooked Spring Reservation, Red Wing Farm. George BB Wright Reservation, Russell Mill Town Forest, Deep Brook Reservation, Thanksgiving Forest, Bartlett Park & Wood Lot, Cranberry Bog, Lewis Property. He thanked all the individuals and organizations that contributed financially and physically to help the Stewardship maintain and restore the various sites. He described the plans of free community events past and present. He asked that the public attend the upcoming planned events and to view the different shows available on the local cable channel. He thanked the Community for their support. The Body responded with a round of applause. The Town Manager then invited the Financial Director John Sousa to update the Body with the Town's five year financial forecast. John Sousa explained that he would address two categories, revenue and expenditures then give a summary. Due to the recent national financial situation and the State's position the Town's financial picture has shifted greatly since the previous report. He went over the revenue. There is only so much

the Town can raise because of the limitations set by 2 1/2. The Revenue Assumptions is that State Aid will be cut to 60% or level funded. The Lottery Aid will be decreased by 10%. He went over the free cash estimates. He went over the stabilization plan. He went over the local receipts; one area greatly affected is the Motor Vehicle Excise Tax. It is estimated that there will be a drop by 20%, which could be $800.000 in revenue for the Town. Permanent revenues have declined by 36%. He went over the various expenditures in general government and the public schools. The areas of employee benefits such as insurance and retirement are an area that is fixed costs. This limits the other areas that need to be addressed. All in all it is projected that there will be a $3 million deficit for 2010 and this will increase for the next few years. Further reductions in personnel and Town services will more then likely have to be made in order to control the projected increase. The Town Manager said that the State level of government is as bleak. Communities should be prepared for a cut in local aid. He went over the various issues that the Town is addressing currently. The Town is monitoring its local receipts. He has met with the various Departments and requested a 5% cut within their department and review their fees schedules. The Town has secured a 5 year electricity supply contract at 7.2% below current prices. The Town has secured a 3 year fixed price contract for natural gas. The Town is reviewing municipal insurance policies and the municipal fleet for surplus vehicles. The Town is trying to be realistic on what is to come and unclear on where it is going at this time and will wait to see what happens with the local aid issue before major cutting decisions are made. The Town is requesting the State to make notification as soon as possible so a determination can be made. He is in the process of preparing the FY10 budget which must be made available in January. He stressed that the Town will get through these tough times. The Body responded with a round of applause. The Moderator made an announcement that William Fulton was leaving the Finance Committee. The Moderator thanked him for his years of service and requested that if anyone was interested in being on the Committee to submit their resumes. He asked for vote by way of a show of hands accepting the reports given, **motion carried, unanimously.**

**UNDER ARTICLE 2:** Selectman Philip M. Eliopoulos moved that the Town vote to appropriate from Free Cash the sum of $2,212,005 to the Stabilization Fund.

The Town Manager explained the article and showed the amounts of free cash appropriated over the past seven years. He said that many of the Town Departments turned back monies and lived within their means. For the first time in many years the Finance Committee's reserve fund wasn't used at all. This amount in the article along with the July 1st the stabilization fund balance of $1,252,823 gives the Town a cash reserve of $3,464,828 and an operating budget of $98,081,456. The Moderator asked for questions. Hearing none the Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

**UNDER ARTICLE 3.** Selectman Philip M. Eliopoulos moved that the Town to transfer the sum of $28,930 from Special Revenue to the School Department, said funding coming from E-Rate reimbursements

The Manager explained that this is an annual article which is taken up in the Fall. This is the time of year that the reimbursement figure is made available. The Moderator asked for questions. Hearing none the Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

**UNDER ARTICLE 4.** Town Manager Paul E. Cohen moved that the Town vote to transfer from the Stabilization Fund the sum of $5,100 to pay unpaid electricity bills from the Public Works, Parks Department shed at Roberts Field.

The Manager explained that this is the second year in a row that the Town has to address an unpaid electric bill after the close of the fiscal year. However, this is not due to lateness on the Town's part. National Grid conducted an internal audit of its accounts and discovered an account that the Town wasn't being billed for. It was service for a shed at Roberts Field. Bill Griffin asked if this amount is a one time catch up. Yes it was The Town is now receiving monthly bills. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

**UNDER ARTICLE 5.** Town Manager Paul E. Cohen moved that the Town vote to amend the Fiscal Year 2009 operating budget voted under Article 4 of the Annual Town Meeting held on April 28, 2008 as follows:

Increase Line Item #5 Out of District Tuition by $15,555
Increase Line Item #21 Excluded Debt & Interest by $16,218

and that the Town raise and appropriate the sum of $31,773 to defray Town charges for the fiscal period July 1, 2008 to June 30, 2009.

The Manager explained that these are the only two changes to the operating budget which were not known when the budget was voted on in the Spring. He had told the Body at the time that money may need to be borrowed in order to pay for the School Building project while waiting for the State's reimbursement figure. The amount shown reflects this action under excluded debt and interest. The other is the out of school district cost for sending a student to a regional high school because the required course is not offered at CHS or NTRHS. The Town is under State mandate to do this. Karen DeDonato questioned if the Town receives any verification that the student is attending the classes. Yes it does. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

**UNDER ARTICLE 6**. Town Manager Paul E. Cohen moved that the Town vote to appropriate the sum of $1,241,004 from Sewer Betterments to offset the FY09 excluded debt service budget as voted in Line Item #21 (Excluded Debt & Interest) under Article 4 of the Annual Town Meeting held on April 28, 2008.

The Manager explained that the sewer betterments are used to pay the debt service incurred by the ongoing Sewer project. The Moderator asked for questions, hearing none, he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

**UNDER ARTICLE 7**. Selectman Philip M. Eliopoulos moved that the Town vote to approve the Tax Increment Financing Agreement between the Town and L-1 Identity Solutions, Inc., substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("the 250 Apollo Drive Economic Opportunity Area"), and to

authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the 250 Apollo Drive Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement.

The Manager asked that the Director of Community Development Evan Belansky come forward and address the article. He also said that in attendance from L-1 Identity Solutions Inc was Leo Sullivan Division President and his assistant Jamie Gagnon. Evan Belansky explained that this article is the result of a TIF It is a Tax Increment Financing Agreement between the Town, the State and a business. This results in the creation of a new facility, and jobs. It starts as local economic development tool and provides access to state corporate excise tax exemptions of 5 to 10%. Municipalities typically use TIF's for business attraction and retention. The increment is the property tax exemption on additional or incremental value added to the property tax, based on real property such as building, electrical and plumbing permits etc. Taxes on the base valuation are not exempted, only the incremental value created by the investment is exempted. He explained the steps of the process from when the Town is first contacted by the State (MOBD) with interests and proposals. Next the Board of Selectmen reviews and schedules a Town Meeting. Once Town Meeting approves the Economic Target and Opportunity area, the State will then give its approval by the Economic Assistance Coordinating Council. He reminded the Body that they just recently approved of another TIF on the same site this past June for Arbor Networks. He described the building that L-1 Identity would occupy. He then gave a description of the company. It was founded in 2006 and is headquarter in Stanford, CT. The company provides solutions and services that protect and secure personal identities and assets. It has 2,200 worldwide employees. Its product is ID cards for State, Corporate and National use. It issues 60 million ID cards annually. It will transfer 239 jobs to this site plus create more jobs. It projects a 3% annual job growth. He showed increments and financial information regarding the proposal that the Town will gain from the project. The Town will receive a total of net of $298,618 in new revenues. $72,000 in new revenue and building permit fees, $226,618 in new tax revenue. L-1 Identity Solutions will receive a tax benefit of $223,108. He asked that the Body support this article. The Moderator asked for questions, hearing none, he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

**UNDER ARTICLE 8**. Town Manager Paul E. Cohen moved that the Town vote to appropriate the sum of $50,000 from the Community Preservation Historic Preservation Reserve, for the repair of the roof and structure of the Barrett-Byam Homestead, 40 Byam Road, and for the purchase of an archival scanning and storage system for the Chelmsford Historical Society.

Robert Morse of the Community Preservation Commission and John Goffin of the Historical Society addressed the Body. Robert Morse explained that the funding was coming from the Historical Preservation account of the Community Preservation Fund. He said that the Board felt that this would be a great benefit for the Town and said that John Goffin would further explain. John Goffin gave a brief history of the Society; it was organized in 1930 and is a non-profit organization which is dedicated to the preservation of the historical heritage of the town. It is located at the Barrett-Byam house on 40 Byam Rd. The purpose of this article is to fund

four projects at the Barrett-Byam house. Roof replacement for $28,000, structural wall repair $6,190 Climate Control for the museum $10,000 and purchase an Archival Management System. He went over each project giving the details and purpose. The roof was 25 to 30 years old and beyond the patch and repair efforts. It needed to be replaced and will included ice shields and vents. It will consist of replacing the entire roof which covers five buildings. The next project is to have climate control installed in the museum portion of the house. This is needed in order to preserve the various articles of clothing, furniture, textiles and photographs etc on display from mold. There is a important need for the archival management of the Society's records, documents etc. Currently volunteers maintain volumes of original documents that are logged in by hand and preserved in binders. The Society has determined that Past Perfect Software, Inc would meet their needs. Once done this would allow the collection to be more accessible for viewing at the Town's Library and other various historical organizations. Lastly was addressing the structural repairs that were done on an emergency basis just prior to last year's Farm Fair. The repair was paid for out of the Society's trust fund. It was determined by the insurance company that this cost would not be covered by the insurance policy due to a timing technicality so the amount of $6,190 dollars will be returned to the Society's Trust Fund. He stressed the importance of the Historical Society's role in regards to preserving the Town's historical background. Currently there is on board a group of volunteer's that want to work at getting the records accessible by way of 21st century technology while maintaining historic importance. He asked that the Body support the article. Bill Griffin questioned the roof repairs. Maria Karafelis questioned the software. She wanted to know if training and licenses were included in the price. Yes it was. What about upgrading? He felt that at this point there was no need for the cost of upgrading. Ralph Hickey questioned the mold situation and what was currently being done. John Duggan said that a de-humidifier was being used. The type of mold being addressed only effects materials such as cloth, it doesn't affect building materials. Sheila Pichette thanked the Society for their efforts and questioned the maintenance account. The Society doesn't have such an account. When situations come up the Society addresses then need. The Society works with a Trust Fund that the Board votes on. She stressed that the Society should be proactive and plan. Karen Kowalski questioned the contingency fund amount of $1,787. It was explained that this is to cover any overrun that might occur from the project. If there is no need to use the monies it will be returned to the Preservation Committee. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

**UNDER ARTICLE 9** The Town Manager explained that this was to be the article for the Community Preservation Committee. Due to the present economy the Legislators have not released the State funding. It is usually a 100% reimbursement however, it's been reported that it may possibly be only a 60% reimbursement. Therefore the Community Preservation Committee felt that there was no need for any action at this time it is to be withdrawn. The proposed article read as follows:

That the Town reserve for future appropriation amounts from FY2009 Community Preservation Fund revenues as recommended by the Community Preservation Committee:

(1) $xxx for the acquisition, creation and preservation of open space excluding land for recreational use;
(2) $xxx for the acquisition and preservation of historic resources;
(3) $xxx for the creation, preservation and support of community housing;
$xxx for the Community Preservation Fund FY2009 Budgeted Reserve

**UNDER ARTICLE 10.** Town Manager Paul E. Cohen moved that the Town vote to amend its vote taken under Article 13 of the April 27, 2000 Annual Town Meeting pertaining to the Town's acceptance of the provisions of Massachusetts General Laws Chapter 59, Section 5K which authorizes the Town to establish a senior citizens' property tax work-off abatement program by increasing the total amount of abatements that may be granted under this program to $75,000 in any given year.

The Manager explained that Chelmsford was one of the first communities in this area to pioneer this program. The purpose was to allow the senior citizens a work program within the Town Government in exchange for credit abatement towards their property taxes. It use to be an annual article. The program was so successful that the Commonwealth adopted this program on a State wide level in 2000. At that time the Town had been funding the program on it's own with a $20,000 cap. Now the funding comes from funds that are set aside for local abatements. However, when the Town adopted the local option in 2000, a senior citizen could not earn any more then the amount of $500 and they had to be paid the minimum wage, plus it included the $20,000 cap. The number of participants has grown, the State lifted the amount to be earned to $750 and the minimum wage has increased. He showed the body the history of the program which includes the amount of participants waiting to start the program. The purpose of this article is to lift the cap which would allow at least 100 seniors to be in the program. He asked for support of the article as a means of helping out the seniors of the community. The Moderator asked if there were any questions. Hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for debate. Judy Tavano asked what the criteria was for the participants. The Manger said that the age was 60 years or older and had to own property in Town. She asked if there was set income. No, the BOS did not implement any income requirement. Could there be an increase in participants in the future? Possibly it depends on the times. Michael Combs made a motion to amend the article. He moved that the Town report, in anonymous form, the annual income of the Senior Property Tax Work Program Participants. The report must be available two weeks prior to each Fall Town Meeting. Michael Combs explained that the purpose was to make sure that those participating in the program had a real need. The Town Manager opposed any income guidelines even though it could be allowed under the State program. He felt it would diminish the program and there would be fewer participants. This has been proven in any of the other programs that are offered through the Senior Citizen Center. People are afraid that if they participate in any income based programs they will be considered "low income" residents. He asked that the Body not support the motion to amend. Michael Combs said it was not the purpose. He wanted to be able to have the information available for future reference if the time came for the need to increase the program. Fran McDougall explained that she is a participant in the program. She works 100 hours in the Town Clerk's Office doing the census. One year there was not enough funding and she was paid the minimum wage out of the Clerk's budget. This program is helping the various departments with required work that must be done and it relieves their budgets. These types of jobs can be done by the Senior Citizens and it's a wonderful program that allows seniors to help the Town. Sue Sullivan said that this would cause more work regarding the tracking of information. A lot of seniors do not want to give their private information. There are more than likely many more seniors who are eligible for tax abatements that would not apply because they have to produce income information. This may discourage many good paid volunteers from working and asked that the motion be defeated. Peggy Dunn expressed the same views. Felt that if anyone didn't need this program they wouldn't participate. Mary Tavano felt that this was a good motion and spoke in favor because if there are a lot of future participants than those who truly are low income should be chosen. The Moderator said that Town Counsel had a problem with the theory of keeping the income information anonymous because of the public record law. Once information is filed with the Town it

becomes a public record. Ralph Hickey asked that the motion be defeated. Michael Combs questioned that if what Town Counsel said is true then his motion would be void. Town Counsel John Giorgio explained that if the motion was to pass with the word anonymous attached it would be Town Meetings intent to keep the information anonymous. However, his concern is any record that the Town keeps is presumed to be a public record and has to be disclosure. This means, that the Town may not be able legally to keep it anonymous. It might depend on how the information was collected and what records are kept. This opinion does not void the motion. Michael Combs said he thought all individual salaries were anonymous. Town Counsel explained that there are specific public record guidelines that make individuals records off limits such as medical records, social security numbers, and addresses of public safety personnel. Individual records of salaries are open. Jean Whiting spoke against the motion. Judy Tavano said that perhaps in the future if it is found that there are many applicants when seniors fill out the application, a separate paper is made available that would indicate the range of income he or she has. It would not be part of the applications and could be kept anonymous. Michael Combs questioned if he should amend his amendment to reflect this. The Moderator said the motion is vague as is the proposed wording. Peggy Dunn spoke against the amendment, she felt that the income even in a range form shouldn't have to be disclosed and found it insulting. Clare Jeannotte questioned the Town Manager what was the general skill level of these individuals' vs their income levels who worked in the program. The Manager explained that it could be a variety of levels depending on the job. It could be anywhere from data entry, to working in the Schools, to working with the DPW. These individuals are doing real work, it's not to be considered a handout by any means. They are helping the Town by doing required work that can not be addressed by departments for reasons of time or shortage of personnel. Especially now during this time of economic issues. Clare Jeannotte felt that these are real jobs and no one that she knows of ever applied for a job based on skill and current income level in order to obtain employment. She felt that the motion should be defeated. Dennis Ready made a motion to move the question on the motion to amend. The Moderator asked for a show of hands, **motion carried**. The Moderator asked for a vote by way of a show of hands on the motion to amend, **motion defeated**. The Moderator asked if there was any need to hear further debate. Dennis Ready made a motion to move the question. The Moderator asked for a show of hands **motion carried**. The Moderator asked for a vote on the article by way of a show of hands, **motion carried, unanimously.**

**UNDER ARTICLE 11** Dwight Hayward moved that the Moderator waive the reading of the motion. The Moderator asked for a vote by way of a show of hands, **motion carried.** The Town Manager explained that since the Spring Town Meeting considerable effort has been made by the Board of Selectmen and himself to get information and suspend the surcharge by National Grid for the Central Square Utility Conversion Project. Even after Town Counsel requested legal opinions and Legislative pressure there has been no response. The Town felt that the only choice left is to amend the current by-law and to submit a home rule petition to Legislator to get the program on track, receive information and interest earnings as well as suspend the surcharge by National Grid. The Manager asked Evan Belansky Community Development Director to come forward and give an update. Evan Belanski gave an update of the balances, National Grid: In 2007 National Grid collected $742,043 and expenditures were $70,000 ($53,000 of this was for outside consultants). Since the program started the total amount collected is $4,655,202 and the total expenditures were $561,158 ($292,000 of this was for outside consultants). Verizon:
In 2007 Verizon collected $141,609 and expenditures were $22,293. Since the program started the total amount collected was $1,054,157 and the total expenditures were $651,736 ($200,000 was for installation of new manholes and $240,000 was for new conduits in Central Square). He then gave a progress report, beginning in June of 2008. He met with Town Counsel and decided that the article will consist of four items, Phasing, Accounting/Reporting, Suspension of

surcharges, Petition for Special Legislation. Meetings were held from June to September with National Grid and Verizon. The purpose was the refinement of phasing plans and prepare documents and final plans. He also reported critical information that National Grid has now assigned a Project Manager who will be responsible with preparation of bid documents and final plans. He showed a map showing the phase one area to be worked on and future area of phase two and three. He went over the benefits of phasing in the project. He gave the final steps, finalize the construction plans. The Town does have verbal commitment from the utilities regarding this. Completion of construction and bid documents. In the winter of 2009 go out for bids and award the project. It is estimated that the contract will be $1.2 million for each utility plus and minus 25%. In the Spring of 2009 will start construction. He reminded the Body that this will consist of three separate phases which will take place over a 12-18 month period. The first phase will be road disturbance of 4-6 months, for the purpose of installation of conduits. Next will be the installation of new wires within the conduits. And third will be the removal of old wires and poles. The Moderator asked for questions, hearing none, he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**. The article reads as follows:

Town Manager Paul E. Cohen moved that the Town vote to amend Chapter 119, Poles and Wires, of the Chelmsford Town Code by adding the provisions underlined, as printed in the Warrant for this Annual Town Meeting. And further, to authorize the Board of Selectmen to petition the General Court for special legislation entitled, "An Act To Authorize the Town of Chelmsford to Regulate the Removal of Aboveground Utility Poles and Overhead Wires and other Associated Structures and to Regulate the Installation of Underground Wires and Associated Structures," as printed in the Warrant for this Annual Town Meeting, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

For informational purposes the wording in the warrant article as mentioned above is as follows:

## ıpter 119: POLES AND WIRES

SORY: Adopted by the Annual Town Meeting of the Town of Chelmsford 4-26-99 by Art. 17. Amendments noted where liable.]

9. Definitions.

rposes of this chapter, the definitions of "person," poles and overhead wires and associated overhead structures and "utility" lle the same definitions as those set forth in MGL c. 166, §22A.

92. Prohibiting installation of new poles and overhead wires.

No utility shall install or construct, except by way of replacement or upgrading of existing facilities, any poles and overhead wires and associated overhead structures upon, along or across any public way within the parts of the town listed in §§119-2B and 119-3A of this chapter. Any poles and overhead wires and associated overhead structures upon, along overhead wires and associated overhead structures installed or constructed in violation of this chapter shall be immediately removed by the utility responsible therefor.

This chapter applies to the following parts of town:

1. Any public way approved by the Planning Board after the effective date of this chapter unless waived by the Planning Board pursuant to the Subdivision Rules and Regulations. Editor's Note: See Ch. 202. Subdivision of Land.

2. Any way in which the wires and utility facilities are underground as of the effective date of this chapter.

Any person who installs or constructs any poles and overhead wires and associated overhead structures which are in violation of this chapter shall be punished by a fine of not less than $1,000 and not more than $5,000 for each consecutive fifteen-day period during which the failure continues.

This chapter implements MGL c. 166, §22C and shall be construed in a manner consistent with the definitions in MGL c. 166, §22A.

. Removal of existing poles and overhead wires.

Any utility presently owning or operating poles or overhead wires and associated overhead structures within the Town of Chelmsford shall remove said poles or overhead wires and associated overhead structures. Said removal shall occur in the area known as Chelmsford Center extending from Larcom Square through the Center, around the Common and north to the intersection of Chelmsford and Fletcher Streets as shown on a plan on file with the Town Clerk entitled "Chelmsford Center Utility Depression Area," dated March 15, 1999.

Any utility that fails to remove any poles or overhead wires and associated overhead structures required to be removed pursuant to §119-3A of this chapter shall be punished by a fine of not less than $1,000 and not more than $5,000 for each fifteen-day period during which such failure continues, provided, however, that no utility shall have been deemed to have violated this chapter, provided that:

1. If replacement facilities for poles or overhead wires and associated overhead structures required to be removed will be needed in order for a utility to continue its service, the utility shall, within 60 days of the effective date of this chapter, petition the Board of Selectmen of the Town of Chelmsford, pursuant to MG. c. 166, §22, for permission to install, erect or construct under the public ways of the Town of Chelmsford replacement facilities for such poles or overhead wires and associated structures; and

2. The utility shall file with the Board of Selectmen of the Town of Chelmsford a plan (which shall be consistent with §119-3A of this chapter), for removal of poles or overhead wires and associated overhead structures and, if needed, for their replacement with underground facilities. The removal described on the plan may be implemented in phases, as may from time-to-time be determined by the Board of Selectmen. In determining if the plan shall be implemented in phases, the Board of Selectmen shall consider the following factors, among other relevant factors: the total cost of completing the work under the plan; the amount of funds collected by the utility from its customers in the Town of Chelmsford in relation to the total cost of completing the work under the plan; and the progress the utility is making towards completing the work under the plan. Any phasing of the implementation of the plan shall not constitute an amendment of the plan. In determining whether to undertake the removal shown on the plan in phases, the Board of Selectmen shall consult with the utility. The decision regarding phasing shall be in the sole discretion of the Board of Selectmen.; and

3. In each calendar year beginning with the calendar year next following the effective date of this chapter and until all such poles or overhead wires and associated overhead structures shall have been removed, any utility shall, in carrying out its plan, allocate and expend for the direct cost of demolition and construction (over and above the reasonable value of salvage) an amount which shall not be less than 2% of its gross revenues derived during the next preceding calendar year from its customers in the Town of Chelmsford; and

4. The utility shall, on or before the last day of March in each year, file with the Board of Selectmen of the Town of Chelmsford a statement signed under the penalties of perjury, by its Treasurer, setting forth in detail the amounts spent by the utility during the immediately preceding calendar year in carrying out its plan; the purposes for which such expenditures were made; the gross revenues derived from its customers in the Town of Chelmsford during the immediately preceding calendar year; provided, however, that no utility which enters a cooperative agreement under MGL c. 166, §22 shall be deemed to have violated this chapter during the term such payments are to be made, so long as said utility shall not be in default of said cooperative agreement.

5. Commencing with the calendar year beginning January 1, 2009, the funds collected by the utility from its customers in the Town of Chelmsford shall be placed by the utility in a separate interest-bearing account. The interest accrued on such funds shall remain with the account and shall be available for and used by the utility in furtherance of the completion of the plan described in §119-3.A and §119-3.B.2. All funds collected by utility as a surcharge prior to January 1, 2009 shall be transferred as of January 1, 2009 to the interest-bearing account. Commencing with the statement due for the calendar year 2008, the utility shall include in its statement under §119-3-B.4, the following

information regarding the interest for the preceding calendar year: the number of customers in the Town of Chelmsford from whom the funds are collected; the name and address of the financial institution or other entity where the interest-bearing account is located; the amount of interest accrued to the account during the immediately receding calendar year for which the statement is being provided.

6. The statement required under §119-3.B. 4shall not qualify as "setting forth in detail" the required information unless the statement includes the following information:
(a) the number of customers in the Town of Chelmsford from whom the surcharge has been collected during the immediately preceding calendar year;
(b) The amount of the surcharge collected from the customers in the Town of Chelmsford during the immediately preceding calendar year;
(c) The amount of the interest accrued on the surcharge collected from the customers in the Town of Chelmsford during the immediately preceding calendar year;
(d) The address of the financial institution or other entity where the interest-bearing account is located;
(e) The amount of interest accrued to the account during the immediately preceding calendar year for which the statement is being provided;
(f) The specific purpose and amount for each cost incurred or disbursement made over $100 regarding implementation of the plan;
(g) The name, street mailing address and electronic mail address, if available, of each vendor or other entity to whom a payment over $100 was made regarding implementation of the Plan; and
(h) The amount of funds remaining in the interest-bearing account as of December 31 of the preceding calendar year.

7. The Board of Selectmen may temporarily or permanently suspend the amount collected from the utility's customers in the Town of Chelmsford under §119-3.B.3 above, upon the following:
(a) The Board of Selectmen gives notice of and holds a public hearing regarding consideration of such suspension.
(b) The notice of the public hearing is published in a newspaper of general circulation in the Town and posted on a Town bulletin board and on the Town's website at least fourteen days before the date of the hearing.
(c) The notice of public hearing is sent by return receipt requested mail at least fourteen days before the date of the hearing to the utility for which the suspension is being considered.
(d) After hearing, the Board of Selectmen finds that:
i.The utility has collected sufficient funds from the customers in the Town of Chelmsford to carry out the plan described in §119-3.A. and §119-3.B.2; or
ii.The utility has collected sufficient funds from its customers in the Town of Chelmsford to fund the phase of the plan described in §119-3.A. and §119-3.B.2.

**And further,** to authorize the Board of Selectmen to petition the General Court for special legislation entitled, "An Act To Authorize the Town of Chelmsford to Regulate the Removal of Aboveground Utility Poles and Overhead Wires and other Associated Structures and to Regulate the Installation of Underground Wires and Associated Structures," as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

## AN ACT TO AUTHORIZE THE TOWN OF CHELMSFORD TO REGULATE THE REMOVAL OF ABOVEGROUND UTILITY POLES AND OVERHEAD WIRES AND OTHER ASSOCIATED STRUCTURES AND TO REGULATE THE INSTALLATION OF UNDERGROUND WIRES AND ASSOCIATED STRUCTURES

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Notwithstanding any general or special law or by-law or regulation to the contrary, the Town of Chelmsford is hereby authorized to take the following action regarding the removal of aboveground utility poles and overhead wires and other associated structures and to regulate the installation of underground wires and associated structures.

**SECTION 2.** The Town of Chelmsford may adopt a plan for the removal of aboveground utility poles and overhead wires and the installation of underground wires and associated structures and conduits ("the Plan"). After the Plan is adopted, it may be implemented in phases, as may from time-to-time be determined by the Board of Selectmen. In determining if the Plan shall be implemented in phases, the Board of Selectmen shall consider the following factors, among other relevant factors: the total cost of completing the work under the Plan; the amount of funds collected by the utility from its customers in the Town of Chelmsford in relation to the total cost of completing the work under the Plan; and the progress the utility is making towards completing the work under the Plan. Any phasing of implementing the Plan shall not constitute an amendment of the Plan. In determining whether to undertake the removal shown on the Plan in phases, the Board of Selectmen shall consult with the utility. The decision regarding phasing shall be in the sole discretion of the Board of Selectmen.

**SECTION 3.** The utility may charge its customers in the Town of Chelmsford a surcharge as provided for in General Laws, c.166, §22D, or successor statute, to pay for the work provided for in the Plan ("the Surcharge"). Commencing with the calendar year beginning January 1, 2009, the Surcharge collected by the utility from its customers in the Town of Chelmsford in accordance with a Plan shall be placed by the utility in a separate interest-bearing account. The interest accrued on such funds shall remain with the account and shall be available for and used by the utility in furtherance of completion of the Plan. All funds collected by the utility from its customers in the Town of Chelmsford as a surcharge prior to January 1, 2009 pursuant to a Town By-law prohibiting the installation of new poles and overhead wires and regulating the installation of underground wires shall be transferred as of January 1, 2009 to the separate interest-bearing account required under this section.

**SECTION 4.** Commencing with the calendar year 2009, on or before March 31 of each year, the utility shall prepare a detailed report to the Chelmsford Board of Selectmen regarding the actions taken to implement the Plan. The report shall include, but not be limited to the following information: the number of customers in the Town of Chelmsford from whom the Surcharge has been collected during the immediately preceding calendar year; the amount of the Surcharge collected from the customers in the Town of Chelmsford; the name and address of the financial institution or other entity where the interest-bearing account is located; the amount of interest accrued to the account during the immediately preceding calendar year for which the report is being provided; the specific purpose and amount for each cost incurred or disbursement made over $100 regarding implementation of the Plan; the name, street mailing address and electronic mail address, if available, of each vendor or other entity to whom a payment over $100 was made regarding implementation of the Plan; and the amount of funds remaining in the interest-bearing account as of December 31 of the preceding calendar year.

**SECTION 5.** The Board of Selectmen may temporarily or permanently suspend the collection of the Surcharge from the utility's customers in the Town of Chelmsford upon the following: (a) The Board of Selectmen gives notice of and holds a public hearing regarding consideration of such suspension; (b)The notice of the public hearing is published in a newspaper of general circulation in the Town and posted on a Town bulletin board and on the Town's website at least fourteen days before the date of the hearing; (c) The notice of public hearing is sent by return receipt requested mail at least fourteen days before the date of the hearing to the utility for which

the suspension is being considered; (d) After hearing, the Board of Selectmen finds: (i) the utility has collected sufficient funds through the Surcharge from the customers in the Town of Chelmsford to carry out the Plan; or (ii) the utility has collected sufficient funds from its customers in the Town of Chelmsford through the Surcharge to fund a phase of the Plan.

**SECTION 6.** This act shall take effect upon its passage.

Or act in relation thereto.

**UNDER ARTICLE 12**: Dwight Hayward moved that the Moderator waive the reading of the motion. The Moderator asked for a vote by way of a show of hands, **motion carried.** The Manager explained that this is a simple by-law request in order to expedite permitting for applicants to the Planning Board. Community Development Director Evan Belansky said this is a straight forward article. This would transfer the existing special permit process from the Zoning Board of Appeals to the Planning Board for all multi-family and commercial/industrial properties. The Zoning Board of Appeals would continue to issue special permits for all single and two family dwellings. The benefits to this would be strengthening the Town's regulatory positions. Meaning the site plan approval issued by the Planning Board would be combined with the discretionary special permits. Streamline the permitting process externally and internally. Utilize departmental staff more effectively and reduce the burden to residents with less meetings to attend. This article is the result of an annual meeting between the Planning Board and Zoning Board of appeals and does have their support. The Moderator asked for questions, hearing none, he asked for recommendations. The Finance Committee had no recommendation for the article. The Board of Selectmen recommended the article. The Moderator read the Planning Boards recommendation. "Upon conducting a duly advertised public hearing on September 24, 2008 and closed, the Planning Board forwards a positive recommendation to amend the zoning bylaw, Article III "Use Regulations", § 195-8 "Non-conforming Uses & Structures", subsections B & C, for purposes of transferring the special permit for non-conforming multi-family and non-residential uses and structures, from the Zoning Board to the Planning Board. The Planning Board voted unanimously in favor of this article. The Moderator asked for debate. Alex Buck questioned if the two Boards report to each other when issues come up before them. Yes they do. The Moderator asked if there was any further debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**. The article reads as follows:

Town Manager Paul E. Cohen moved that the Town vote to amend the Town Code, Chapter 195, "Zoning Bylaw," Article III, Use Regulations, §195-8, Nonconforming uses and structures, by adding the following new sentence to §195-8.A: " For the purposes of §195-8.B and §195-8.C, the Board of Appeals shall be the special permit granting authority for single and two-family dwellings and the Planning Board shall be the special permit granting authority for all other uses and structures, including multi-family and non-residential uses and structures"; and by adding the phrase "or the Planning Board, as applicable," following the phrase "Board of Appeals" in §195-8.B. and §195-8.C. as printed in the Warrant for this Annual Town Meeting; for the purpose of transferring the special permit granting authority for nonconforming multi-family and non-residential uses and structures from the Board of Appeals to the Planning Board.

For informational purposes the wording in the warrant article as mentioned above is as follows:

**§ 195-8. Nonconforming uses and structures.**

A. Applicability. This chapter shall not apply to structures or uses lawfully in existence or lawfully begun

or to a building or special permit issued before the first publication of notice of the public hearing required by MGL c. 40A, § 5 at which this chapter, or any relevant part thereof, was adopted. Such prior lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder. For the purposes of §195-8.B and §195-8.C, the Board of Appeals shall be the special permit granting authority for single and two-family dwellings and the Planning Board shall be the special permit granting authority for all other uses and structures, including multi-family and non-residential uses and structures.

B. Nonconforming uses. The Board of Appeals or the Planning Board, as applicable, may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals or the Planning Board, as applicable:

(1) Change or substantial extension of the use.

(2) Change from one nonconforming use to another, less detrimental, nonconforming use.

C. Nonconforming structures. The Board of Appeals or the Planning Board, as applicable, may award a special permit to reconstruct, extend, alter or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals or the Planning Board as applicable:

(1) Reconstructed, extended or structurally changed.

(2) Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

(3) Reconstructed after a catastrophe, provided that the owner shall apply for a building permit and start operations for reconstruction on said premises within two years after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure.

D. The reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

E. Nonconforming single- and two-family residential structures. Nonconforming single- and two-family residential structures may be reconstructed, extended, altered or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration or change does not increase the nonconforming nature of said structure. In the event that the Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Extension or alteration of nonconforming single- and two-family structures shall be allowed by right so long as such extension or alteration is within the existing footprint.

F. Abandonment or nonuse. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this chapter.

G. Reversion to nonconformity. No nonconforming use shall, if changed to a conforming

*{Section 195-8 of the zoning bylaw regulates the alteration, expansion, change, etc for non conforming uses & structures. Currently, the ZBA has the authority to grant special permits for the alteration of all non-conforming uses and structures included single & two family dwellings, multi-family dwellings, and all commercial / industrial properties.*

*The proposed zoning amendment would transfer the existing special permit from the ZBA to the PB for all multi-family and commercial / industrial properties. The ZBA would continue to issue special permits for all single & two family dwellings.*

*This revision would result in the following:*

1. *Strengthen the regulatory relationship between the discretionary special permit process, the use, and the by –right Site Plan process, the physical site design.*
2. *Opportunity to streamline the permitting process from an internal (Town Hall) and external (developers) perspective. Internally, where both Boards are involved, the permitting process has a tendency to be more lengthy than necessary due to the fact that both Boards review the same plans and a similar set of issues. Externally, requiring an applicant to receive permits from two separate boards, regarding the same set of issues, is not perceived as "customer friendly" or "one-stop permitting".*

*Opportunity to use departmental / staff support more effectively.}*

**UNDER ARTICLE 13.** Town Manager Paul E. Cohen moved that the Town vote to accept the provisions of Massachusetts General Laws, Chapter 43D as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006 and to approve the filing of an application with the Interagency Permitting Board for the designation of land at 25 Katrina Road identified by the Board of Assessors as Map 52, Block 234, Parcel 2, as a Priority Development Site.

The Town Manager explained the article. This land was obtained by the Town due to tax possession over two years ago. It is a contaminated land site that sits on Katrina Road which is behind the Chelmsford Mall. The Town has been working on bringing this site back onto the tax roles. The Town has been working with the Department of Environment Protection Agency in order to have a means under this article to adopt a State statue that will allow the Town to apply for grant funds in order to address the contamination issue. Also it would allow the Town to qualify for Mass Development to advertise and receive other support in order to bring the property into productive use. He asked that Community Development Director Evan Belansky to come forward and continue the explanation. Evan Belansky explained that the State statue was adopted in 2006. There are 44 communities in the State that have adopted this statue. The surrounding towns that have already are Tewksbury, Lowell, Billerica, Burlington, and Pepperell, who is in the process of adopting the law. It is applicable for pre-selected sites only. The Town could get technical assistance grants up to $60,000. Also the Town would have priority consideration for State grant programs. He went over the Town's obligations. Within 120 days of adoption, the community must: appoint a single municipal point of contact for streamlined permitting for that particular property; amend local rules, regulations, bylaws, etc to comply with 180 day permit timeline; determine and make available the requirements for each permit; he noted that all land use developments permits and approvals are applicable including the Conservation Commission; establish a procedure for identifying necessary permits for a project; and establish a procedure for determining completeness of the required submissions. This site is formally the home of Silicone Transistor Corporation. It is now Town owned property. It has 3.11 acres of industrial zoned land. The existing building must be demolished. The Town has hired a consultant for initial site inspections. The Town will not have any liability. He showed slides of the location. The next step is to utilize a portion of the grant to make the site "shovel ready" and hire a consultant to do site feasibility and assessment studies. Consult with legal counsel and prepare a bid package. Work with State partners on securing funds for testing, demolition and remediation of the property. Ask that the Town Meeting vote to surplus the property and finally upon disposition the Town would issue an RFP in order to sell the property. Richard Mahoney asked what the project cost would be. It would be a minimal cost. That is why the Town would apply for grants. Initial goal is to have it covered by the grant.

Karen DeDonato questioned the demolition process regarding the building. The Manager explained that all the Town has to do is clean up. It is the property not responsible for demolishing the building. Town will not have any financial responsibility for the property. Thomas Fall questioned the future businesses of the Town. If they leave their property contaminated will the Town be responsible for the clean up? No, DEP is responsible. Brian Latina questioned what was the nature of the contamination. Can building materials contaminate other areas if trucked through the Town? The contaminates are cleaning solutions disposed illegally on site. Strict Federal guidelines are in place. There is a chain of custody for transporting the materials. He questioned further if there will be expertise personnel to oversea the project. Yes. Richard Mahoney asked if this would qualify for a super fund site. The Manager said there is currently so much on the Federal list he didn't feel the Town would ever qualify. Laura McLaughlin questioned the brook on site. At this point DEP is doing testing. There is no concern of it affecting the other residential areas. There is a question of the well fields being affected that is why the filtration plant was installed. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously**.

**UNDER ARTICLE 14.** Town Manager Paul E. Cohen moved that the Town vote to amend Chapter 16, Buildings, Demolition of, of the Chelmsford Town Code as printed in the Warrant for this Annual Town Meeting.

Fred Merriam member of the Historical Commission explained that the Commission has had three years of experience since this by-law had been amended in 2005. The Commission has collaborated with Town Counsel to come up with three basic changes. They are in regards to Terminology, the words Chapter, Owner, Department, board or commission Expanded test in Section B (1), and Timing Changes Official receipt date of demolition application, Time allowed to prepare for Public Hearing, Time allowed to notify owner in writing of "Preferably Preserved" decision. He went over the changes. The term by-law was replaced in 11 locations with the word chapter. This is to put the Demolition Delay by-law text in line with other chapter in the Chelmsford Code Book. The word "applicant and /or property owner" were replaced in 7 locations by the word "Owner" Use of applicant leaves open the possibility that an owner can be represented by disinterested third parties. An agent working on a commission basis is inherently in conflict with preservation efforts. This is counter productive to the intent of the Demolition Delay process and creates an adversarial relationship with the owner. Town Agency was replaced with Town department, board or commission. This was done because the term "agency" does not apply in this context. Text was added under sections B (1). The official receipt date of the demolition application was not defined. It is now. It will be the date the application was received at a meeting of the Commission. Under Section C the Historical Commission shall hold a hearing with forty-five days.... This has been changed to 60 days due to limitation or access to records. And the timing change on the issuance or written decision. The Moderator asked for questions, hearing none he asked for recommendations. The Finance Committee makes no recommendation on the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried.**

For informational purposes the wording in the warrant article as mentioned above is as follows:

**§16-1. Permit Required.**

No building shall be demolished in whole or in part in the Town of Chelmsford without a permit from the Building Inspector.

**§16-2. Procedure; delay; alternatives; emergencies; violations and penalties**

**A. Intent and purpose; definition.**

(1) It is the intent and purpose of this ***chapter is*** to preserve and protect from demolition, historically significant buildings and structures which reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the town: to encourage owners of such buildings or structures to explore and develop alternatives to such demolition: to seek out persons or entities who might be willing to purchase, preserve, rehabilitate, or restore such buildings or structures rather than demolish them: and thereby to preserve the historic resources of the Town, and to make the Town a more attractive and desirable place in which to live, and so promote the general welfare.
(2) For purposes of the *chapter*, "the term demolition" shall mean, any act of pulling down, destroying, moving, removing or razing a building or structure or any portion thereof, including destruction through willful neglect or arson.

**B. Procedure.**
**(1) Notice of Intent to Demolish:**
No demolition permit shall be issued for any building or structure that was constructed seventy-five (75) or more years prior to the year of the application, other than in conformity with the provisions of this Bylaw The property owner shall first file an application for a demolition permit with the Inspector of Buildings, and the Inspector of Buildings shall forward a copy of such application within one (1) week to the Historical Commission, the Board of Selectmen, and the Planning Board. ***The application shall be reviewed by the Historical Commission at its next regular meeting.*** Such application shall be in the form provided and established by the Inspector of Buildings ***in consultation with the Historical Commission*** and shall include a copy of the demolition plan, a description of the building or structure to be demolished, the reasons for the demolition and the proposed reuse of the property***, including a written description or concept plan describing the proposed reuse.*** If the property owner is unable to specify the exact age of the building or structure, the application shall so state, and shall set forth the best-known estimate of age and the basis for such estimate.
(2) **Determination of Significance**
A building or structure which was constructed seventy-five (75) or more years prior to the year of the application may be deemed to be significant if the Historical Commission, at a public meeting, finds that the building or structure is significant to the architectural, cultural, political, economic or social history of the Town.
**(3) Non-Applicability**
Upon determination by the Historical Commission that the building or structure is not historically significant, the Historical Commission shall submit a negative finding to the property owner, and a copy thereof shall be furnished to the Inspector of Buildings. Upon receipt of such notification, or after the expiration of one hundred and twenty (120) days from the date of submission of the demolition application to the Historical Commission, the Inspector of Buildings may issue the demolition permit.

**C. Public Hearing:**
Unless the Historical Commission has determined that the building or structure is not historically significant. The Historical Commission shall hold a public hearing to determine if the building or structure is "preferably preserved." The Historical Commission shall hold a public hearing within *sixty (60)* days from the date of submission of the demolition application to the Commission. *The date of submission shall be the date the application is received at a meeting of the Commission.* Notice of the Public Hearing shall be provided as described in Massachusetts General Laws (M.G.L.) Chapter 40A, § 11. The Historical Commission at the expense of the owner shall complete the newspaper publication and abutter notification. *Within thirty (30)* days of the close of the public hearing, the Historical Commission shall make one of the following determinations:
(1) Preferably Preserved:
If the proposed demolition would be detrimental to the architectural, cultural, political, economic or social heritage or resources of the Town, then such building or structure shall be considered preferably preserved.
(2) Not Preferably Preserved:
If the Commission finds that the building or structure is not preferably preserved or where less than a complete demolition is being proposed, that the work to be done will not materially diminish its historical significance, the Inspector of Buildings may thereafter allow demolition in accordance with applicable law. The failure of the Historical Commission to issue its written determination within *thirty* (*30*) days after the close of the hearing shall be deemed to constitute a determination that the building or structure is not considered preferably preserved.

**D. Delay of Demolition:**
If the Historical Commission determines that the building or structure is preferably preserved, it may impose a demolition delay of up to twelve (12) months from the date of such determination. Written notice of its determination and the period of delay imposed shall be mailed promptly to the property owner, and a copy thereof shall be furnished to the Inspector of Buildings who shall not issue a demolition permit during the period specified therein. However, such permit may be issued prior to the end of such period if the Historical Commission notifies the Inspector of Buildings that the property owner: **(i)** has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to preserve, rehabilitate, restore or relocate same, or **(ii)** has agreed to alternatives to demolition set forth in Section E.

**E. Alternatives to Demolition**
If the Historical Commission imposes a demolition delay as set forth in Section D and/or if alternatives to demolition are developed in or after the Public Hearing which are acceptable to the owner, then the Historical Commission is hereby empowered, in its discretion, to enter into an agreement with such owner providing for such alternatives and a time period for implementation of same. A copy of said agreement shall be filed with the Inspector of Buildings and any other applicable Town *department, board or commission* and thereafter no work shall be done on the building or structure except in accordance with the terms of said agreement unless and until a new application for a demolition permit is filed and processed hereunder.

**F. Expiration of Demolition Delay**
At the end of any period of demolition delay as set forth in this *chapter*, including any alternatives agreed upon pursuant to Section E, the Historical Commission shall notify the Inspector of Buildings the period of delay has expired and the property owner shall be entitled to apply for all necessary demolition permits to allow the work to go forward as set forth in the Demolition Permit, and pursuant to applicable law

**G. Emergency Demolition.**
Nothing in this *chapter* shall restrict or prevent the Inspector of Buildings from ordering the immediate demolition of any building or structure that is determined to be imminently dangerous or unsafe to the public. The Inspector of Buildings shall file a copy of any such order of emergency demolition with the Historical Commission.

**II. Enforcement and Remedies**
**(1) Enforcement:**
The Inspector of Buildings shall have the authority to enforce this *chapter* in the manner described in Section 195-100 of the Chelmsford Zoning Bylaw.
(2) **Issuance of Building Permit.**
No building permit shall be issued or be valid for any parcel or premises upon which a historically significant building or structure, or property has been demolished by an intentional or grossly negligent violation of this *chapter*, for a period of up to three (3) years after a completion of such demolition.
**(3) Multiple remedies:**
The remedies and enforcement procedures set forth in this section may be applied separately or in conjunction with one another.

**I. Penalty**
Any person violating any of the provisions of this *chapter* shall be fined not more than $300 dollars for each offense. Each day that such violation continues shall constitute a separate offense.

**J. Request for Enforcement.**
If the Inspector of Buildings is requested in writing to enforce this *chapter* against any person allegedly in violation of the same, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, with fourteen (14) days of receipt of such request.

**K. Historic Districts Act.**
If any of the provisions of this *chapter* shall conflict with the Historic Districts Act. M GL c. 40C, the state statute shall prevail.

**L. Validity.**
The invalidity of any section or provision of this *chapter* shall not render invalid any other section or provision of this *chapter*,

or act or relation thereto.

**UNDER ARTICLE 15**. Sewer Commissioner Barry B. Balan moved that the Town vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Moore Street/Ledge Road Area Phase 4I Sewers" dated October, 2008, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and that the funds for such an acquisition having been appropriated under Article 1 of the June 12, 2008 Special Town Meeting, to defray

all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying damages which may be awarded as a result of such taking.

Chairman of the Sewer Commission explained that this is an annual article needed for easements, and pump stations associated with the ongoing sewer project. These are seven takings. This is for Moore Street, Riverneck Rd, Gorham St and Ledge Rd. This Phase 4I is the final phase of the sewer project, once completed the Sewer Commission will disband. The Moderator asked for questions, hearing none he asked for recommendations. The Finance Committee makes no recommendation on the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

**UNDER ARTICLE 16**. Town Manager Paul E. Cohen moved that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation entitled, "An Act Relative to the Minimum Years-of-Service Required to be Eligible for Civil Service Promotions to the Position of Fire Captain in the Town of Chelmsford," as printed in the Warrant for this Annual Town Meeting, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

The Town Manager explained that this article is the result of planning for the future leadership of the current Fire Department. The present Chief, two Deputy Chiefs and two of the five Captains have reached their maximum retirement earning rate. More than likely within the next five years there will be retirements and positions will open. Most positions are based on Civil Service testing only. The tier rank set up is Firefighters then Captain unlike the Police Department. The Fire has no superior officers such as Sergeant or Lieutenant. Currently there is no restriction regarding years of experience that a firefighter it was felt, should have prior to taking a promotional exam. Due to there not being a lot of fires taking place, firefighters do not have enough "field experience". Studying a book, taking a test and passing a written exam is a lot different from actual fire fighting knowledge. This mandate would require that even if a person passes the Civil Service test they must have ten years of service before a firefighter can achieve the rank of Captain. It would be a better situation for both the Town and the personnel to have this added to Chelmsford's requirements when the time comes for filling the positions, and asked that the Body support the article. Dennis Ready questioned if firefighters from other communities would be eligible for these positions, yes as long as they had ten years experience. Karen Kowalski questioned why ten years was the figure? The Town wants years of direct experience not just book smart when this rank is achieved. The Moderator asked for further questions, hearing none he asked for the Finance Committee's recommendation. The Finance Committee had no recommendation one way or the other regarding this article. The Board of Selectmen recommended the article. The Moderator asked if there was any debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

For informational purposes the wording in the warrant article as mentioned above is as follows:

**AN ACT RELATIVE TO THE MINIMUM YEARS-OF-SERVICE REQUIRED TO BE ELIGIBLE FOR CIVIL SERVICE PROMOTIONS TO THE POSITION OF FIRE CAPTAIN IN THE TOWN OF CHELMSFORD.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding the provisions of chapter 31 of the general laws, or of any other general or special law, charter, by-law, rule or regulation to the contrary, in the town of Chelmsford, in order to be eligible for civil service promotions to the rank of Fire Captain within the Fire Department, an applicant must have at least 10 years prior service in the rank of firefighter or higher within a civil service Fire Department. Any person who does not meet this requirement shall not be eligible to take a promotional examination for the position of Fire Captain in the Chelmsford Fire Department. Except as otherwise provided herein, such applicants for promotional appointments shall be subject to all applicable provisions of said chapter 31.

**SECTION 2.** This act shall take effect upon its passage.

The Moderator explained that Town Counsel had ruled in regards to the following two articles they go beyond the scope of Town Meeting and therefore are not being brought to the Body tonight.

**UNDER ARTICLE 17.** **SUBMITTED BY: Citizen Petition**

**UNDER ARTICLE 18.** **SUBMITTED BY: Citizen Petition**

The Moderator asked that a motion be made to close the Town Meeting sine die. Thomas Fall moved that the Town Meeting be adjourned sine die. **Motion carried, unanimously**. The meeting adjourned at 10:30 PM

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

# COMMONWEALTH OF MASSACHUSETTS
## WILLIAM FRANCIS GALVIN
## SECRETARY OF THE COMMONWEALTH
## WARRANT FOR STATE ELECTION

**Middlesex SS.**

ther of the Constables of the Town of Chelmsford

**GREETING:**

name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said town who are ied to vote in Primaries to vote at

| | |
|---|---|
| Precinct 1. | Town Offices Gymnasium, 50 Billerica Road |
| Precinct 2. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 3. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 4. | Westlands School Cafetorium, 170 Dalton Road |
| Precinct 5. | Byam School Cafetorium, 25 Maple Road |
| Precinct 6. | Westlands School Cafetorium, 170 Dalton Rd |
| Precinct 7. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 8. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 9. | Town Offices Gymnasium, 50 Billerica Road |

**JESDAY, THE FOURTH DAY OF NOVEMBER, 2008,** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

SENATOR IN CONGRESS . . . . . .for the Commonwealth
REPRESENTATIVE IN CONGRESS . . . . . .Fifth Congressional District
COUNCILLOR . . . . . .Third Councilor District
SENATOR IN GENERAL COURT . . . . . 3rd Middlesex Senatorial District
REPRESENTATIVE IN GENERAL COURT. . Pcts 3,5 & 7. 2nd Middlesex District
REPRESENTATIVE IN GENERAL COURT. . Pcts 1 & 9 .. 14th Middlesex District
REPRESENTATIVE IN GENERAL COURT. . Pcts 2,6,& 8 16th Middlesex District
REPRESENTATIVE IN GENERAL COURT. . Pct 4 . . . . 17th Middlesex District
REGISTER OF PROBATE . . . . . Middlesex County

### QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

ou approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives e May 6, 2008?

### SUMMARY

This proposed law would reduce the state personal income tax rate to 2.65% for all categories of taxable income e tax year beginning on or after January 1, 2009, and would eliminate the tax for all tax years beginning on or after ry 1, 2010.

The personal income tax applies to income received or gain realized by individuals and married couples, by s of deceased persons, by certain trustees and other fiduciaries, by persons who are partners in and receive income partnerships, by corporate trusts, and by persons who receive income as shareholders of "S corporations" as defined federal tax law. The proposed law would not affect the tax due on income or gain realized in a tax year beginning e January 1, 2009.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

***S VOTE*** would reduce the state personal income tax rate to 2.65% for the tax year beginning on January 1, 2009, ould eliminate the tax for all tax years beginning on or after January 1, 2010.

***VOTE*** would make no change in state income tax laws.

### QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

ou approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives e May 6, 2008?

## SUMMARY

This proposed law would replace the criminal penalties for possession of one ounce or less of marijuana with a ystem of civil penalties, to be enforced by issuing citations, and would exclude information regarding this civil se from the state's criminal record information system. Offenders age 18 or older would be subject to forfeiture of arijuana plus a civil penalty of $100. Offenders under the age of 18 would be subject to the same forfeiture and, if omplete a drug awareness program within one year of the offense, the same $100 penalty.

Offenders under 18 and their parents or legal guardian would be notified of the offense and the option for the der to complete a drug awareness program developed by the state Department of Youth Services. Such programs l include ten hours of community service and at least four hours of instruction or group discussion concerning the d abuse of marijuana and other drugs and emphasizing early detection and prevention of substance abuse.

The penalty for offenders under 18 who fail to complete such a program within one year could be increased to as as $1,000, unless the offender showed an inability to pay, an inability to participate in such a program, or the ilability of such a program. Such an offender's parents could also be held liable for the increased penalty. Failure offender under 17 to complete such a program could also be a basis for a delinquency proceeding.

The proposed law would define possession of one ounce or less of marijuana as including possession of one or less of tetrahydrocannibinol ("THC"), or having metabolized products of marijuana or THC in one's body.

Under the proposed law, possessing an ounce or less of marijuana could not be grounds for state or local nment entities imposing any other penalty, sanction, or disqualification, such as denying student financial aid, public ng, public financial assistance including unemployment benefits, the right to operate a motor vehicle, or the tunity to serve as a foster or adoptive parent. The proposed law would allow local ordinances or bylaws that bit the public use of marijuana, and would not affect existing laws, practices, or policies concerning operating a vehicle or taking other actions while under the influence of marijuana, unlawful possession of prescription forms of ana, or selling, manufacturing, or trafficking in marijuana.

The money received from the new civil penalties would go to the city or town where the offense occurred.

*S VOTE* would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of enalties.

*VOTE* would make no change in state criminal laws concerning possession of marijuana.

## QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

u approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives May 6, 2008?

## SUMMARY

This proposed law would prohibit any dog racing or racing meeting in Massachusetts where any form of betting gering on the speed or ability of dogs occurs.

The State Racing Commission would be prohibited from accepting or approving any application or request for dates for dog racing.

Any person violating the proposed law could be required to pay a civil penalty of not less than $20,000 to the ission. The penalty would be used for the Commission's administrative purposes, subject to appropriation by the egislature. All existing parts of the chapter of the state's General Laws concerning dog and horse racing meetings be interpreted as if they did not refer to dogs.

These changes would take effect January 1, 2010. The proposed law states that if any of its parts were declared d, the other parts would stay in effect.

*S VOTE* would prohibit dog races on which betting or wagering occurs, effective January 1, 2010.

*VOTE* would make no change in the laws governing dog racing.

f fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 29th day of September, 2008.

Selectmen of: Chelmsford

COMMONWEALTH OF MASSACHUSETTS

IDLESEX, SS. 10-14-, 2008

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford psting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington ıol Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, lands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small ınasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence, Constable

Tıe Copy Attest:

ilam E. Spence, Constable

## CHELMSFORD STATE ELECTION NOVEMBER 4, 2008

23 ballots (13 O.C & 10 Prov counted 11/14/08)

* = Relection

| | Prec 1* | Prec 2 | Prec 3 | Prec 4 | Prec 5* | Prec 6* | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **ELECTORS OF PRES & VICE PRES** | xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | | | | | | | | | |
| Blanks | 16 | 8 | 9 | 9 | 8 | 11 | 12 | 16 | 8 | 97 |
| Baldwin & Castle | 0 | 3 | 1 | 4 | 3 | 2 | 2 | 3 | 1 | 19 |
| Barr & Root | 10 | 12 | 8 | 15 | 17 | 15 | 7 | 9 | 10 | 103 |
| McCain & Palin | 949 | 772 | 946 | 886 | 932 | 989 | 1126 | 1064 | 1048 | 8712 |
| McKinney & Clemente | 3 | 1 | 5 | 1 | 6 | 3 | 2 | 2 | 4 | 27 |
| Nader & Gonzalez | 23 | 23 | 13 | 17 | 18 | 22 | 14 | 20 | 19 | 169 |
| Obama & Biden | 1087 | 1071 | 1092 | 1005 | 1165 | 1284 | 1251 | 1215 | 1190 | 10360 |
| Hilairy Clinton (write-in) | 3 | 6 | 10 | 4 | 3 | 0 | 6 | 7 | 6 | 45 |
| Ron Paul (write-in) | 3 | 2 | 3 | 1 | 1 | 0 | | 2 | 1 | 13 |
| | | | | | | | | | | 0 |
| | | | | | | | | | | 0 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 4 |
| Misc* | | 6 | 3 | | 5 | 11 | 3 | 2 | 4 | 34 |
| **TOTAL** | 2094 | 1904 | 2090 | 1942 | 2158 | 2341 | 2423 | 2340 | 2291 | 19583 |
| **SENATOR IN CONGRESS** | xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | | | | | | | | | |
| Blanks | 73 | 69 | 65 | 75 | 77 | 78 | 66 | 71 | 77 | 651 |
| John F. Kerry * | 1114 | 1083 | 1140 | 1032 | 1148 | 1254 | 1248 | 1279 | 1187 | 10485 |
| Jeffrey K. Beatty | 850 | 676 | 828 | 770 | 851 | 936 | 1059 | 924 | 976 | 7870 |
| Robert J. Underwood | 57 | 75 | 57 | 65 | 78 | 68 | 49 | 64 | 51 | 564 |
| | | | | | | | | | | 0 |
| Write-In | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| Misc* | | 1 | | | 2 | 5 | 1 | 2 | | 11 |
| **TOTAL** | 2094 | 1904 | 2090 | 1942 | 2158 | 2341 | 2423 | 2340 | 2291 | 19583 |
| **REP IN CONGRESS 5TH Dist** | xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | | | | | | | | | |
| Blanks | 599 | 481 | 529 | 546 | 597 | 666 | 728 | 654 | 680 | 5480 |
| Nicola S. Tsongas* | 1475 | 1414 | 1532 | 1372 | 1519 | 1664 | 1670 | 1663 | 1577 | 13886 |
| Jim Ogonowski | 4 | | 8 | | 4 | | 6 | | | 22 |
| Write-In | 0 | 0 | | 0 | 28 | 0 | 0 | 0 | 0 | 28 |
| Misc* | 16 | 9 | 21 | 24 | 10 | 11 | 19 | 23 | 34 | 167 |
| **TOTAL** | 2094 | 1904 | 2090 | 1942 | 2158 | 2341 | 2423 | 2340 | 2291 | 19583 |
| **COUNCILLOR 3RD Dist** | xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | | | | | | | | | |
| Blanks | 881 | 688 | 795 | 785 | 876 | 933 | 1086 | 960 | 1011 | 8015 |
| Marilyn M. Petitto Devaney* | 1203 | 1213 | 1286 | 1149 | 1257 | 1397 | 1332 | 1371 | 1271 | 11479 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc* | 10 | 3 | 9 | 8 | 25 | 11 | 5 | 9 | 9 | 89 |
| **TOTAL** | 2094 | 1904 | 2090 | 1942 | 2158 | 2341 | 2423 | 2340 | 2291 | 19583 |
| **SENATOR IN GEN CT 3rd Mldsx Dist** | xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | | | | | | | | | |
| Blanks | 158 | 169 | 152 | 143 | 181 | 171 | 144 | 187 | 154 | 1459 |
| Susan C. Fargo * | 915 | 882 | 943 | 811 | 969 | 1045 | 1032 | 1100 | 1005 | 8702 |
| Sandra B. Martinez | 1019 | 853 | 993 | 987 | 1000 | 1119 | 1244 | 1051 | 1129 | 9395 |
| Philip Eliopoulos | | | 2 | | 2 | | 3 | | | 7 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | | 1 |
| Misc* | 2 | | | 1 | 6 | 5 | | 2 | 3 | 19 |
| **TOTAL** | 2094 | 1904 | 2090 | 1942 | 2158 | 2341 | 2423 | 2340 | 2291 | 19583 |

## CHELMSFORD STATE ELECTION NOVEMBER 4, 2008

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **REGISTER OF PROBATE Midsx Cty** | xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | | | | | | | | | |
| Blanks | 860 | 688 | 785 | 783 | 873 | 924 | 1059 | 937 | 997 | 7906 |
| Tara E. DeCristofaro | 1227 | 1213 | 1298 | 1156 | 1268 | 1412 | 1359 | 1394 | 1283 | 11610 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 |
| Misc* | 7 | 3 | 7 | 3 | 17 | 0 | 5 | 9 | 11 | 62 |
| **TOTAL** | 2094 | 1904 | 2090 | 1942 | 2158 | 2341 | 2423 | 2340 | 2291 | 19583 |
| **QUESTION 1 (Repeal Income Tax)** | xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | | | | | | | | | |
| Blanks | 54 | 23 | 33 | 34 | 34 | 47 | 43 | 62 | 36 | 366 |
| Yes | 775 | 655 | 724 | 678 | 748 | 857 | 793 | 801 | 792 | 6823 |
| No | 1265 | 1226 | 1333 | 1230 | 1376 | 1437 | 1587 | 1477 | 1463 | 12394 |
| **TOTAL** | 2094 | 1904 | 2090 | 1942 | 2158 | 2341 | 2423 | 2340 | 2291 | 19583 |
| **QUESTION 2 (Marijuana)** | xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | | | | | | | | | |
| Blanks | 43 | 33 | 42 | 34 | 28 | 42 | 39 | 66 | 33 | 360 |
| Yes | 1285 | 1228 | 1331 | 1221 | 1380 | 1422 | 1404 | 1359 | 1484 | 12114 |
| No | 766 | 643 | 717 | 687 | 750 | 877 | 980 | 915 | 774 | 7109 |
| **TOTAL** | 2094 | 1904 | 2090 | 1942 | 2158 | 2341 | 2423 | 2340 | 2291 | 19583 |
| **QUESTION 3 (Dog racing)** | xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | | | | | | | | | |
| Blanks | 60 | 45 | 47 | 49 | 57 | 65 | 55 | 69 | 48 | 495 |
| Yes | 1150 | 1085 | 1098 | 1007 | 1164 | 1261 | 1328 | 1219 | 1280 | 10592 |
| No | 884 | 774 | 945 | 886 | 937 | 1015 | 1040 | 1052 | 963 | 8496 |
| **TOTAL** | 2094 | 1904 | 2090 | 1942 | 2158 | 2341 | 2423 | 2340 | 2291 | 19583 |

STATE ELECTION NOVEMBER 4, 2008

| * = relection | Prec 1 | Prec 9 | TOTAL |
|---|---|---|---|
| REP IN GEN CT 14th Mldsx | xxxxxxxxxxxxxxxxxxxxxxx | | |
| Blanks | 253 | 300 | 553 |
| Cory Atkins | 744 | 815 | 1559 |
| Richard P. McClure | 1093 | 1173 | 2266 |
| | | | |
| Write-In | 0 | 0 | 0 |
| Misc* | 4 | 3 | 7 |
| TOTAL | 2094 | 2291 | 4385 |

STATE ELECTION NOVEMBER 4, 2008

| * = relection | Prec 2 | Prec 6 | Prec 8 | TOTAL |
|---|---|---|---|---|
| REP IN GEN CT 16th Mldsx | xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | | | |
| Blanks | 612 | 781 | 843 | 2236 |
| Thomas A. Golden Jr * | 1287 | 1553 | 1490 | 4330 |
| Write-In | | | | 0 |
| | 0 | 0 | 0 | |
| Misc* | 5 | 7 | 7 | 19 |
| TOTAL | 1904 | 2341 | 2340 | 6585 |

STATE ELECTION NOVEMBER 4, 2008

| | Prec 3 | Prec 5 | Prec 7 | TOTAL |
|---|---|---|---|---|
| REP IN GEN CT 2nd Mldsx | xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | | | |
| Blanks | 203 | 236 | 227 | 666 |
| James Arciero | 1072 | 996 | 1096 | 3164 |
| Paul J. Avella | 814 | 924 | 1098 | 2836 |
| | | | | |
| Write-In | 0 | 0 | 0 | 0 |
| Misc* | 1 | 2 | 2 | 5 |
| TOTAL | 2090 | 2158 | 2423 | 6671 |

STATE ELECTION NOVEMBER 4, 2008

| * = relection | Prec 4 | TOTAL |
|---|---|---|
| REP IN GEN CT 17th Mldsx | xxxxxxxxxxxxxxxxxx | |
| Blanks | 717 | 717 |
| David M. Nangle | 1215 | 1215 |
| | | |
| Write-In | 0 | 0 |
| Misc* | 10 | 10 |
| TOTAL | 1942 | 1942 |

# TOWN OF CHELMSFORD

## WARRANT FOR SPECIAL TOWN MEETING

**March 9, 2009**

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, 75 Groton Road, North Chelmsford on Monday, the ninth of March 2009, at 7:30 PM in the evening then and there to act upon the following articles, VIZ:

**ARTICLE 1.** To see if the Town will amend the Fiscal Year 2009 operating budget under Article 4 of the Spring Annual Town Meeting held on April 28, 2008 and amended by Article 5 of the Fall Annual Town Meeting held on October 20, 2008; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 2.** To see if the Town will charge for each written demand issued by the collector a fee of thirty dollars ($30.00) to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of April 1, 2009; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 3.** To see if the Town will vote to transfer a sum of money from the General Stabilization Fund to be used as an other financing source in the general fund for Fiscal Year 2009; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 4**. To see if the Town will vote to authorize the Board of Selectmen to convey to the Chelmsford Housing Authority for the purpose of constructing low and moderate income housing, subject to a preservation restriction, all right, title, and interest held by the Town in all or a portion of a certain parcel of land at 31 Princeton Street, known as the North Chelmsford Town Hall, shown as Lot 3 on Assessors Map 13, Block 39, containing 9,160 s.f., more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 5527, Page 5;

and to see if the Town will appropriate a sum of money from the Community Preservation Fund Community Housing Reserve, the Community Preservation Fund Historic Preservation Reserve, and/or from the Community Preservation Fund Budgeted Reserve for the creation of Community Housing by the Chelmsford Housing Authority at the North Chelmsford Town Hall site, and further to authorize the Board of Selectmen to accept, on behalf of the Town, a perpetual affordable housing restriction in said parcel meeting the requirements of Massachusetts General Laws Chapter 184, Section 31, as required by Massachusetts General Laws Chapter 44B, Section 12(a), as amended;

and to see if the Town will authorize the Town Manager, with the approval of the Board of Selectmen, to convey or lease for a period of up to 99 years to the Chelmsford Housing Authority for parking purposes all or a portion of a certain parcel of land at 35 Princeton Street, shown as Lot 1 on Assessors Map 13, Block 44 containing 40,946 s.f., more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 17, Page 525; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

**ARTICLE 5**. To see if the Town will vote to authorize the Board of Selectmen to convey to the Chelmsford Housing Authority for the purpose of constructing low and moderate income housing, subject to a preservation restriction, all right, title, and interest held by the Town in all or a portion of a certain parcel of land at 1A North Road, known as the Old Town Hall, shown as Lot 12 on Assessors Map 73, Block 319 containing 33,105 s.f., more or less, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 134, Page 169;

and to see if the Town will appropriate a sum of money from the Community Preservation Fund Community Housing Reserve, the Community Preservation Fund Historic Preservation Reserve, and/or from the Community Preservation Fund Budgeted Reserve for the creation of Community Housing by the Chelmsford Housing Authority at the Old Town Hall site, and further to authorize the Board of Selectmen to accept, on behalf of the Town, a perpetual affordable housing restriction in said parcel meeting the requirements of Massachusetts General Laws Chapter 184, Section 31, as required by Massachusetts General Laws Chapter 44B, Section 12(a), as amended; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 9th day of February, 2009.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Philip M. Eliopoulos, Chairman

Clare L. Jeannotte, Vice Chairman

Patricia Wojtas, Clerk

William F. Dalton

Eric R. Dahlberg

**NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE SPECIAL TOWN MEETING**

The Board of Selectmen shall propose the following date and time for continued sessions of the Special Town Meeting of March 9, 2009:

**Thursday, March 12, 2009 at 7:30 p.m.**

If additional continued sessions are necessary they shall take place on the following Monday, and Thursday of the consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. Feb 10, 2009

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:
William E. Spence,
Constable

A True Copy Attest,
William E. Spence,
Constable

**Special Town Meeting**
**March 5, 2009**

The Special Town Meeting was called to order at 7:40 PM at the Senior Center, on Groton .oad. The Moderator Dennis E. McHugh recognized the presence of a quorum. There ere **132** Town Meeting Representatives present. The Moderator pointed out the fire exits located in e room and then went over the rules and procedures of the meeting, regarding amending motions and iscussions. Town Counsel for this meeting from Kopleman and Paige would be Attorney John iorgio. The Moderator announced that those wishing to participate in the Pledge of Allegiance to lease rise. He then asked for a moment of silence in honor of Daniel Coughlin who was the Town's Moderator from March of 1960 till April of 1981. Mr Coughlin had passed away on January 17th. electman Philip M. Eliopoulos moved that the reading of the Constable's return of the Special Town Meeting warrant be waived. **Motion carried, unanimously.** Selectman Philip M. Eliopoulos moved at the reading of the entire warrant be waived. **Motion carried, unanimously**.

**Under Article 1.** Town Manager Paul E. Cohen moved that the Town vote to amend the iscal Year 2009 operating budget under Article 4 of the Spring Annual Town Meeting held on April 8, 2008 and amended by Article 5 of the Fall Annual Town Meeting held on October 20, 2008 by educing the line item appropriations by the total sum of $235,474 substantially as follows:

| Budget | Current Budget | Proposed Revised | Change |
|---|---|---|---|
| **Municipal Administration** | | | |
| 1. Personnel Services | 1,420,555 | 1,401,794 | (18,761) |
| 2. Expenses | 829,549 | 855,896 | 26,347 |
| **Chelmsford Public Schools** | | | |
| 3. Expenses | 45,017,232 | 44,426,232 | (591,000) |
| **Nashoba Valley Technical High School** | | | |
| 4. Assessment | 1,624,488 | 1,624,488 | 0 |
| **Out of District Education** | | | |
| 5. Tuition | 37,080 | 37,080 | 0 |
| **Public Safety** | | | |
| 6. Personnel Services | 8,795,352 | 8,670,087 | (125,265) |
| 7. Expenses | 1,106,711 | 1,052,242 | (54,469) |
| **Public Works** | | | |
| 8. Personnel Services | 1,474,740 | 1,450,076 | (24,664) |
| 9. Expenses | 3,192,154 | 3,071,550 | (120,604) |
| 9a. Snow & Ice | 818,500 | 1,438,500 | 620,000 |
| **Municipal Facilities** | | | |
| 10. Personnel Services | 656,744 | 625,407 | (31,337) |
| 11. Expenses | 489,588 | 470,604 | (18,984) |

| | | | |
|---|---|---|---|
| **Sewer Commission** | | | |
| 12. Expenses | 4,500 | 4,000 | (500) |
| **Cemetery Commission** | | | |
| 13. Personnel Services | 231,220 | 228,461 | (2,759) |
| 14. Expenses | 44,900 | 43,160 | (1,740) |
| **Community Services** | | | |
| 15. Personnel Services | 475,549 | 481,108 | 5,559 |
| 16. Expenses | 222,750 | 227,150 | 4,400 |
| **Library** | | | |
| 17. Personnel Services | 1,157,368 | 1,115,368 | (42,000) |
| 18. Expenses | 387,087 | 354,087 | (33,000) |
| **Benefits and Insurance** | | | |
| 19. Expenses | 15,936,559 | 16,109,862 | 173,303 |
| **Debt & Interest** | | | |
| 20. Non-Excluded | 3,842,349 | 3,842,349 | 0 |
| 21. Excluded | 7,864,822 | 7,864,822 | 0 |
| **Total** | 95,629,797 | 95,394,323 | (235,474) |

The Manager came forward and thanked the Body for making an effort to be in attendance due weather. It had been a snowy day and the night wasn't much better. He then explained that this was going to be the last official Town Meeting for two members of the Board of Selectmen. Philip Eliopoulos and William Dalton were not seeking re-election and their terms were up on April 7th. They both have served the Town for numerous years of service and their knowledge and leadership will be greatly missed. The Body responded with applause and a standing ovation.

The Manager then went on and addressed the Town and Nation's financial picture. Historically this is the worst financial situation since World War II. Town Officials have met and gathered numerous times since the October 2008 Town Meeting. Their mission was to respond to the financial impact that was affecting the FY09 budget which resulted with the figures shown in the article. He then asked that the Financial Director come forward and explain the shortfall. John Sousa presented a review of the Towns revenues and financial figures. The figures that were projected under local receipts when the budget was drawn up have dropped. He listed for motor vehicle excise a minus of $500,000 for investment income a minus of $325,000, for Fines a minus of $90,000 and for Miscellaneous receipts a minus of $11,355 for a total shortfall of $903,645. Due to the economy people are not buying any new cars which is why the excise receipts have dropped. The Town's investments are like those held by any of the residents, which have dropped and show a loss of $325,000. Due to the personnel reduction in the Police Force there isn't the opportunity to deal with the enforcement of speed and other vehicle violations which would enable the officers to implement fines etc. This category has decreased by $90,000. There was a cut in State aid which was the lottery and other assistance for a total of minus $615,561. He further explained that only through the diligence work of the Town Manager the Town would receive a FEMA reimbursement of $150,000 for a December ice storm, however, there is a net revenue shortfall of $1,368,915. Between the economic impact which affects the unemployment account, the unforeseen snowstorms that have occurred, and a slight increase in health insurance and

eterans benefits the Town's expenses have increased to $858,876. The total projected deficit is 2,227,793. He went over the budget figures showing the decreases that had to be made under the eneral Government side of the budget which resulted with a reduction of $503,352. There will be a eduction of $591,000 from the School side of the budget which would make a total budget reduction f $1,094,352. This is why $1,133,441 would still be needed from the Stabilization fund in order to eet the shortfall of $2,227,793 for the FY 09 budget. John Sousa then asked that the School uperintendent come forward and explain the reductions taken on the School side of the budget. Dr onald Yeoman explained that the School Department has been making cuts in the FY09 budget since ne. There was the elimination of forty-four jobs, the closing of the Westlands as a Kindergarten to rade four-education facility. Those 364 students were dispersed to four other schools which caused n increase in class size. There had been an increase in student athletic, club and activity fees. Bus es were implemented and routes were reduced. In October accounts were frozen and strictly eviewed. In addition to these cuts there was a reduction in Central Administration which included ree positions being eliminated. Under curriculum and instruction a reduction has been made egarding books and technology. Custodial services have been reduced along with Professional evelopment and Personnel.

he Moderator asked if there were any questions. Katherine Torres first thanked the Town Manager r his efforts on obtaining the relief money for the ice storm, and then questioned the Library's current osition regarding certification. The Manager explained that under this FY09 budget the certification not going to be effected, however it may become an issue in FY10's budget. He is currently working ith the Library Director to avoid the loss of certification; the Town may be eligible for a waiver. lso he still hasn't heard what the Town's figure will be from the Federal Stimulus monies once this ecomes available from the State. Sheila Pichette questioned if the Town's school reduction is the ame as other communities. Yes it is. She questioned the loss of text books. Dr Karen Mazza xplained that the eight-year cycle time for purchasing of books would be extended out. Brian Latina nd Michael Combs asked questions concerning the Snow and Ice Account. The Manager explained at he feels it makes more since to budget the cost up front rather then run the budget with a minus alance and make it up at the end of the year. Other cities and towns may do this but he wants the ctual cost to be noted. In regards to overtime, DPW Director James Pearson explained that the Town ses its own workers and equipment during the regular work day schedule. Overtime isn't paid unless ork is done after the regular shift ends. The roads are not plowed until there is 4 inches of snow, rior to that a mixture of salt and sand is put down. Due to the time of the storms the taking place on eekends and at night overtime has had to be paid out. Outside contractors are not called in until it is ecessary because it costs $4000 per hour to pay for the outside personnel and equipment. The Moderator asked for the Finance Committee's recommendation: The Finance Committee ecommended the article. The Board of Selectmen recommended the article. He asked if there was any eed for further discussion, hearing none he then asked for vote by way of a show of hands. **The notion carried, unanimously.**

**Under Article 2.** Town Manager Paul E. Cohen moved that the Town vote to charge for each ritten demand issued by the Collector a fee of thirty dollars ($30.00) to be added to and collected as art of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of April 1, 2009.

The Manager explained that legislation had been passed in July that would allow the Collector o charge a fee of $30.00 when an excise fee is not paid on time. Currently the late fee charge is $5.00.

The Finance Committee recommended the article. The Board of Selectmen recommended the rticle. Thomas Moran spoke against the article. He felt that it was just another form of a tax. The

**Under Article 3**. Town Manager Paul E. Cohen moved that the Town vote to transfer the sum of $1,133,441 from the General Stabilization Fund to be used as another financing source in the general fund for Fiscal Year 2009.

The Manager explained that this is the figure needed as stated under article one in order to balance the budget for FY09. If this was to be approved it would leave a balance of $2,412,585 in the stabilization fund. He will put some money back into the fund at the end of the fiscal year. He anticipated that there will be money left over from unspent departmental appropriations and from receipts that where received beyond what had been budgeted. If the article is not approved, then the Town will have a revenue deficit, which will have to be appropriated in the next fiscal year. The Moderator asked for questions, hearing none he asked for recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. He then asked for any discussion. Sheila Pichette wanted to know what this means for FY10. The Manager explained that the Town will have $2.4 million in reserves plus any monies received in revenues over the forecasted amounts, plus interest. The Stabilization account should end with a balance of over $3 million dollars in it for the start of FY10. Cash reserves are needed. With the size of the budget the Town has it, should be at least $5million. It will be better then what the Town started with in the fiscal year, this is not where he would like to be, but it will show that the Town weathered the storm. Sheila Pichette said she was nervous considering where the Town was a year ago, but is glad that the Manager feels confident that there will be $3 million in the stabilization fund. She was wondering if a salary freeze was done how would this effect the upcoming buget. The Manager said that there is no increase in the pay scale for any of the employees on the FY10 budget being presented to the Finance Committee. It is in effect a salary freeze. He said that he is not going to fund the operational budget with monies from the stabilization fund. The Town will have to live within its current revenue. The FY10 budget he feels financially conservative. Sheila Pichette thanked the Manager for his knowledge about finances. The Moderator explained that a 2/3'vote is required. He asked for a show of hands. **The Moderator declared that the motion carried by recognizing the 2/3's vote by-law.**

He then announced that the Town Election is April 7th and that Town Meeting will begin on April 27th . He declared that the meeting be adjourned sine die. The meeting adjourned at 8:35 PM.

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

TOWN ELECTION APRIL 7, 2009

| *Candidate for Re-election | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **SELECTMAN 3 Year Term (2)** | | | | | | | | | | |
| Blanks | 131 | 87 | 119 | 90 | 106 | 138 | 123 | 135 | 90 | 1019 |
| Matthew J. Hanson | 107 | 47 | 84 | 62 | 159 | 102 | 120 | 134 | 140 | 955 |
| Jim Murray | 84 | 20 | 56 | 69 | 62 | 70 | 84 | 70 | 118 | 633 |
| Steven M. Roberts | 75 | 63 | 98 | 62 | 76 | 92 | 106 | 104 | 81 | 757 |
| George R. Dixon Jr | 214 | 178 | 273 | 147 | 145 | 259 | 258 | 267 | 207 | 1948 |
| Sean M. Scanlon | 196 | 96 | 165 | 139 | 184 | 174 | 270 | 184 | 261 | 1669 |
| Donald F. VanDyne | 159 | 56 | 119 | 88 | 140 | 196 | 240 | 188 | 143 | 1329 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Misc | 2 | 3 | 4 | 1 | 4 | 1 | 1 | 0 | 3 | 19 |
| TOTAL | 968 | 550 | 918 | 658 | 876 | 1032 | 1202 | 1082 | 1044 | 8330 |
| **SCHOOL COMMITTEE 3 Year Term (1)** | | | | | | | | | | 0 |
| Blanks | 164 | 104 | 173 | 137 | 137 | 177 | 195 | 188 | 180 | 1455 |
| Nicholas A. DeSilvio | 312 | 170 | 283 | 186 | 297 | 333 | 399 | 338 | 338 | 2656 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 8 | 1 | 3 | 6 | 4 | 6 | 7 | 15 | 4 | 54 |
| TOTAL | 484 | 275 | 459 | 329 | 438 | 516 | 601 | 541 | 522 | 4165 |
| **LIBRARY TRUSTEE 3 Year Term (2)** | | | | | | | | | | |
| Blanks | 400 | 229 | 393 | 292 | 365 | 426 | 465 | 450 | 402 | 3422 |
| Diane M. Severin | 277 | 156 | 242 | 173 | 259 | 302 | 344 | 309 | 310 | 2372 |
| Carol L. Sneden* | 288 | 164 | 283 | 191 | 251 | 303 | 392 | 323 | 329 | 2524 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 3 | 1 | 0 | 2 | 1 | 1 | 1 | 0 | 3 | 12 |
| TOTAL | 968 | 550 | 918 | 658 | 876 | 1032 | 1202 | 1082 | 1044 | 8330 |
| **BOARD OF HEALTH 3 Year Term (1)** | | | | | | | | | | |
| Blanks | 162 | 92 | 167 | 130 | 145 | 158 | 186 | 186 | 184 | 1410 |
| Annmarie Roark | 318 | 182 | 292 | 197 | 293 | 358 | 414 | 354 | 335 | 2743 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 4 | 1 | 0 | 2 | 0 | 0 | 1 | 1 | 3 | 12 |
| TOTAL | 484 | 275 | 459 | 329 | 438 | 516 | 601 | 541 | 522 | 4165 |
| **PLANNING BOARD 3 Year Term (3)** | | | | | | | | | | |
| Blanks | 660 | 367 | 634 | 470 | 630 | 690 | 755 | 713 | 694 | 5613 |
| S. George Zaharoolis* | 251 | 160 | 257 | 153 | 214 | 282 | 349 | 310 | 274 | 2250 |
| Colleen A. Stansfield | 274 | 155 | 245 | 188 | 250 | 315 | 362 | 315 | 295 | 2399 |
| Robert P. Joyce* | 261 | 138 | 237 | 172 | 213 | 258 | 333 | 283 | 298 | 2193 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 6 | 5 | 4 | 4 | 7 | 3 | 4 | 2 | 5 | 40 |
| TOTAL | 1452 | 825 | 1377 | 987 | 1314 | 1548 | 1803 | 1623 | 1566 | 12495 |

| *Candidate for Re-election | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **PLANNING BOARD Unexp 1 Year Term (1)** | | | | | | | | | | |
| Blanks | 195 | 100 | 192 | 147 | 177 | 192 | 233 | 205 | 207 | 1648 |
| Edmond N. Roux | 286 | 174 | 267 | 180 | 258 | 324 | 368 | 334 | 310 | 2501 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 |
| Misc | 3 | 1 | 0 | 2 | 3 | 0 | | 2 | | 11 |
| TOTAL | 484 | 275 | 459 | 329 | 438 | 516 | 601 | 541 | 522 | 4165 |
| **PLANNING BD ALTERNATE 2 Year Term (1)** | | | | | | | | | | |
| Blanks | 199 | 112 | 200 | 153 | 178 | 218 | 235 | 211 | 216 | 1722 |
| Michael N. Raisbeck | 284 | 162 | 259 | 175 | 259 | 298 | 364 | 327 | 303 | 2431 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| Misc | 1 | 1 | 0 | 1 | 1 | 0 | 2 | 3 | 3 | 12 |
| TOTAL | 484 | 275 | 459 | 329 | 438 | 516 | 601 | 541 | 522 | 4165 |
| **SEWER COMMISSION Year Term (2)** | | | | | | | | | | |
| Blanks | 207 | 100 | 187 | 149 | 199 | 219 | 258 | 216 | 229 | 1764 |
| William F. Dalton | 269 | 170 | 269 | 178 | 233 | 289 | 337 | 319 | 286 | 2350 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| Misc | 8 | 5 | 3 | 2 | 6 | 8 | 6 | 6 | 7 | 51 |
| TOTAL | 484 | 275 | 459 | 329 | 438 | 516 | 601 | 541 | 522 | 4165 |
| **CEMETERY COMMISSION 3 Year Term (1)** | | | | | | | | | | |
| Blanks | 169 | 93 | 174 | 134 | 164 | 180 | 208 | 185 | 192 | 1499 |
| Jean R. McCaffery* | 313 | 181 | 285 | 194 | 272 | 334 | 392 | 355 | 327 | 2653 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0 |
| Misc | 2 | 1 | 0 | 1 | 2 | 2 | 1 | 1 | 3 | 13 |
| TOTAL | 484 | 275 | 459 | 329 | 438 | 516 | 601 | 541 | 522 | 4165 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #1 |
|---|---|
| Blanks | 1283 |
| Samuel P. Chase* | 290 |
| Patrick M. Hayes | 251 |
| Laura C. McGuigan* | 229 |
| Ralph B. Hickey* | 225 |
| Francis T. McDougall* | 219 |
| Stephanie J. Levell* | 199 |
| John G. Coppinger* | 195 |
| Write-in | 0 |
| Misc | 13 |
| TOTAL | 2904 |

| TOWN MTG REPRES (unexp 1YR) (1) | PCT #1 |
|---|---|
| Blanks | 425 |
| Robert Joyce | 35 |
| Write-in | |
| Misc | 24 |
| TOTAL | 484 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #2 |
|---|---|
| Blanks | 779 |
| Janis M. Ackerman | 154 |
| Michael J. Santos* | 147 |
| William F. Dalton* | 147 |
| Maria G. Karafelis | 142 |
| Janet E. Murphy* | 138 |
| David M. Irvine | 137 |
| Write-in | 0 |
| Misc | 6 |
| TOTAL | 1650 |

| TOWN MTG REPRES (unexp 2YR) (2) | PCT #2 |
|---|---|
| Blanks | 199 |
| Laura A. Lee | 181 |
| David W. Morey | 166 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 550 |

| TOWN MTG REPRES (unexp 1YR) (2) | PCT #2 |
|---|---|
| Blanks | 207 |
| Bernadette Gilet | 182 |
| Karen A. Thorp-Dussourd | 160 |
| Write-in | 0 |
| Misc | 1 |
| TOTAL | 550 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #3 |
|---|---|
| Blanks | 1056 |
| George R. Dixon Jr | 273 |
| Richard D. Russo | 228 |
| Jeffrey A. Miller* | 223 |
| James P. Spiller* | 211 |
| William A. Nolan* | 203 |
| Joyce E. Johnson | 196 |
| Judith A. Straeffer* | 180 |
| Christopher T. Garrahan III* | 178 |
| Write-in | 0 |
| Misc | 6 |
| TOTAL | 2754 |

| TOWN MTG REPRES (unexp 2YR) (1) | PCT #3 |
|---|---|
| Blanks | 440 |
| Joyce Johnson | 3 |
| Write-in | 0 |
| Misc | 16 |
| TOTAL | 459 |

| TOWN MTG REPRES (unexp 1YR) (1) | PCT #3 |
|---|---|
| Blanks | 188 |
| Matthew J. Sheehan | 271 |
| Write-in | 0 |
| Misc | |
| TOTAL | 459 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #4 |
|---|---|
| Blanks | 924 |
| George A. Ripsom, Sr * | 193 |
| Steven A. Sweeney | 184 |
| Sheila E. Pichette* | 180 |
| Dennis P. Sheehan* | 172 |
| Linda A. Jones * | 160 |
| Sandra M. Rega * | 159 |
| Write-in | 0 |
| Misc | 2 |
| TOTAL | 1974 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #5 |
|---|---|
| Blanks | 975 |
| Patricia Wojtas | 240 |
| W. Allen Thomas, Jr* | 196 |
| Nicholas A. DeSilvio | 196 |
| Edward J. Suleski, Jr* | 182 |
| Glenn R. Thoren* | 181 |
| Eric A. Andrus* | 176 |
| Elaine M. MacDonald | 175 |
| Wendy E. Mauriello | 164 |
| Thomas E. Gazda* | 140 |
| Write-in | 0 |
| Misc | 3 |
| TOTAL | 2628 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #6 |
|---|---|
| Blanks | 1325 |
| Colleen A. Stansfield* | 274 |
| Deirdre M. Connolly* | 269 |
| Thomas J. Brothers, Jr | 264 |
| Marianne J. Paresky* | 259 |
| Glenn L. Doherty* | 251 |
| Matthew T. Cilento* | 231 |
| Edmond N. Roux | 222 |
| Write-in | 0 |
| Misc | 1 |
| TOTAL | 3096 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #7 |
|---|---|
| Blanks | 1276 |
| Bernard A. Ready | 385 |
| Dwight M. Hayward* | 362 |
| Katherine H. Duffett* | 354 |
| Maura L. Shield* | 328 |
| Geoffrey J. Lucente | 315 |
| Thomas R. Fall* | 311 |
| Andrew V. Silinsh | 271 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 3606 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #8 |
|---|---|
| Blanks | 1215 |
| Carol C. Cleven* | 309 |
| Samuel Poulten* | 279 |
| Robert S. Russo, Jr | 269 |
| Mary E. Tiano* | 259 |
| Elizabeth A. Twombly | 249 |
| Richard E. Mahoney, Jr.* | 227 |
| Alexander W. Gervais* | 223 |
| John E. Abbott * | 212 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 3246 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #9 |
|---|---|
| Blanks | 1368 |
| Susan I. Dandaraw | 321 |
| George Kalos | 296 |
| Danielle B. Evans* | 294 |
| Blair R. Ely | 288 |
| Mary A. Gregoire* | 287 |
| Arthur R. Carmen*. | 271 |
| Write-in | 0 |
| Misc Write-In | 7 |
| TOTAL | 3132 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #1 |
|---|---|
| Blanks | 1283 |
| Samuel P. Chase* | 290 |
| Laura C. McGuigan* | 229 |
| Francis T. McDougall* | 219 |
| John G. Coppinger* | 195 |
| Ralph B. Hickey* | 225 |
| Patrick M. Hayes | 251 |
| Stephanie J. Levell* | 199 |
| Write-in | 0 |
| Misc | 13 |
| TOTAL | 2904 |

| TOWN MTG REPRES (unexp 1YR) (1) | PCT #1 |
|---|---|
| Blanks | 425 |
| Robert Joyce | 35 |
| Write-in | |
| Misc | 24 |
| TOTAL | 484 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #2 |
|---|---|
| Blanks | 779 |
| Janis M. Ackerman | 154 |
| David M. Irvine | 137 |
| Michael J. Santos* | 147 |
| Maria G. Karafelis | 142 |
| Janet E. Murphy* | 138 |
| William F. Dalton* | 147 |
| Write-in | 0 |
| Misc | 6 |
| TOTAL | 1650 |

| TOWN MTG REPRES (unexp 2YR) (2) | PCT #2 |
|---|---|
| Blanks | 199 |
| Laura A. Lee | 181 |
| David W. Morey | 166 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 550 |

| TOWN MTG REPRES (unexp 1YR) (2) | PCT #2 |
|---|---|
| Blanks | 207 |
| Bernadette Gilet | 182 |
| Karen A. Thorp-Dussourd | 160 |
| Write-in | 0 |
| Misc | 1 |
| TOTAL | 550 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #3 |
|---|---|
| Blanks | 1056 |
| Jeffrey A. Miller* | 223 |
| James P. Spiller* | 211 |
| Christopher T. Garrahan III* | 178 |
| George R. Dixon Jr | 273 |
| Joyce E. Johnson | 196 |
| Judith A. Straeffer* | 180 |
| Richard D. Russo | 228 |
| William A. Nolan* | 203 |
| Write-in | 0 |
| Misc | 6 |
| TOTAL | 2754 |

| TOWN MTG REPRES (unexp 2YR) (1) | PCT #3 |
|---|---|
| Blanks | 440 |
| Joyce Johnson | 3 |
| Write-in | 0 |
| Misc | 16 |
| TOTAL | 459 |

| TOWN MTG REPRES (unexp 1YR) (1) | PCT #3 |
|---|---|
| Blanks | 188 |
| Matthew J. Sheehan | 271 |
| Write-in | 0 |
| Misc | |
| TOTAL | 459 |

Actual "winners" of Rep Seats

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #4 |
|---|---|
| Blanks | 924 |
| Sandra M. Rega * | 159 |
| Dennis P. Sheehan* | 172 |
| George A. Ripsom, Sr * | 193 |
| Linda A. Jones * | 160 |
| Sheila E. Pichette* | 180 |
| Steven A. Sweeney | 184 |
| Write-in | 0 |
| Misc | 2 |
| TOTAL | 1974 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #5 |
|---|---|
| Blanks | 975 |
| Eric A. Andrus* | 176 |
| Edward J. Suleski, Jr* | 182 |
| W. Allen Thomas, Jr* | 196 |
| Patricia Wojtas | 240 |
| Nicholas A. DeSilvio | 196 |
| Wendy E. Mauriello | 164 |
| Elaine M. MacDonald | 175 |
| Thomas E. Gazda* | 140 |
| Glenn R. Thoren* | 181 |
| Write-in | 0 |
| Misc | 3 |
| TOTAL | 2628 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #6 |
|---|---|
| Blanks | 1325 |
| Matthew T. Cilento * | 231 |
| Edmond N. Roux | 222 |
| Colleen A. Stansfield* | 274 |
| Deirdre M. Connolly* | 269 |
| Glenn L. Doherty* | 251 |
| Thomas J. Brothers, Jr | 264 |
| Marianne J. Paresky* | 259 |
| Write-in | 0 |
| Misc | 1 |
| TOTAL | 3096 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #7 |
|---|---|
| Blanks | 1276 |
| Thomas R. Fall* | 311 |
| Maura L. Shield* | 328 |
| Dwight M. Hayward* | 362 |
| Geoffrey J. Lucente | 315 |
| Andrew V. Silinsh | 271 |
| Bernard A. Ready | 385 |
| Katherine H. Duffett* | 354 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 3606 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #8 |
|---|---|
| Blanks | 1215 |
| Richard E. Mahoney, Jr.* | 227 |
| Samuel Poulten* | 279 |
| Carol C. Cleven* | 309 |
| Mary E. Tiano* | 259 |
| Elizabeth A. Twombly | 249 |
| John E. Abbott * | 212 |
| Robert S. Russo, Jr | 269 |
| Alexander W. Gervais* | 223 |
| Write-in | 0 |
| Misc | 4 |
| TOTAL | 3246 |

TOWN ELECTION APRIL 7,2009
*Candidate for Re-election

| TOWN MTG REPRES (3 YEARS) (6) | PCT #9 |
|---|---|
| Blanks | 1368 |
| Susan I. Dandaraw | 321 |
| Danielle B. Evans* | 294 |
| George Kalos | 296 |
| Arthur R. Carmen* | 271 |
| Mary A. Gregoire* | 287 |
| Blair R. Ely | 288 |
| Write-in | 0 |
| Misc Write-In | 7 |
| TOTAL | 3132 |

**TOWN OF CHELMSFORD**

**WARRANT FOR**
**ANNUAL TOWN ELECTION**
**April 7, 2009**

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal voters of said Chelmsford to meet in their several polling places, VIZ:

| | |
|---|---|
| Precinct 1. | Town Offices Gymnasium, 50 Billerica Road |
| Precinct 2. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 3. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 4. | Westlands School Cafetorium, 170 Dalton Road |
| Precinct 5. | Byam School Cafetorium, 25 Maple Road |
| Precinct 6. | Westlands School Cafetorium, 170 Dalton Rd |
| Precinct 7. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 8. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 9. | Town Offices Gymnasium, 50 Billerica Road |

On Tuesday, the **7th day of April, 2009** being the first Tuesday in said month at 7:00 a.m. until 8:00 p.m. for the following purposes:

To bring in their votes for the following officers:

***Two*** Selectmen for three years;

***One*** School Committee Member for three years;

***Two*** Library Trustees for three years;

***One*** Board of Health Member for three years;

***Three*** Planning Board Members for three years;

***One*** Planning Board Member for unexpired one year;

***One*** Planning Board Alternate for two years;

***One*** Sewer Commissioner for three years;

***One*** Cemetery Commissioner for three years;

and to bring in their votes for the following:

***Fifty-four*** Representative Town Meeting Members for three years in Precincts 1 through 9

And various additional Representative Town Meeting Members:

***One*** Representative Town Meeting Member for an unexpired one year term in Precinct 1

***Two*** Representative Town Meeting Members for an unexpired two year term in Precinct 2

***Two*** Representative Town Meeting Members for an unexpired one year term in Precinct 2

***One*** Representative Town Meeting Member for an unexpired two year term in Precinct 3

***One*** Representative Town Meeting Member for an unexpired one year term in Precinct 3

and to meet in the Senior Center, 75 Groton Road, North Chelmsford, on Monday, the twenty-seventh day of April, at 7:30 p.m. in the evening, then and there to act upon the following articles, VIZ:

**ARTICLE 1.** To hear reports of the Town Officers and Committees; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

**ARTICLE 2.** To see if the Town will amend the Fiscal Year 2009 operating budget under Article 7 of the Annual Town Meeting held on April 28, 2008, amended by Article 5 of the Annual Fall Town Meeting held on October 20, 2008, and amended by Article 1 of the Special Town Meeting held on March 9, 2009; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 3.** To see if the Town will vote to raise and appropriate, or transfer from available funds such sums of money as may be required to defray Town charges for the fiscal period July 1, 2009 to June 30, 2010; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 4.** To see if the Town will vote to raise and appropriate, or transfer from available funds, a certain sum of money for the FY10 budget to operate the Sewer Enterprise; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 5.** To see if the Town will vote to raise and appropriate, or transfer from available funds such sums of money to be used as a Reserve Fund at the discretion of the Finance Committee, as provided in General Laws Chapter 40, Section 6; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 6.** To see if the Town will vote to authorize revolving funds under Massachusetts General Law, Chapter 44, Section 53E ½ for the following departments in Fiscal Year 2010 with expenditures from said funds shall be limited to a certain sum as specified during Fiscal Year 2010:

- **Town Clerk**: The receipts to be credited to the fund shall be from the collection of fees from rabies clinic, pound and adoption fees. The Town Clerk shall be authorized to spend money from the fund for the purpose of providing improvements associated with the dog pound and programs and expenses associated with the licensing of animals. Expenditures from the program shall be limited to **$10,000** during Fiscal Year 2010.

- **Council on Aging:** The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip Program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip Program. Expenditures from the Senior Trip program revolving fund shall be limited to **$300,000** during Fiscal Year 2010.

- **Council on Aging:** The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Respite Care Program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing personnel and expenditures for implementing a Senior Respite Care Program. Expenditures from the Senior Respite Care Program revolving fund shall be limited to **$300,000** during Fiscal Year 2010.

- **Police Department:** The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to **$20,000** during Fiscal Year 2010.

- **Inspection Department**: The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to **$9,000** during Fiscal Year 2010; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 7.** To see if the Town will vote to appropriate a certain sum of money for the following capital projects:

## FY2010 PROPOSED CAPITAL BUDGET

| Function | Department /Location | Project | Expenditure |
|---|---|---|---|
| | Information Technology | Network Replacement | $170,000 |
| | | Virtual Desktop & Disaster Recovery | $100,000 |
| | | *Municipal Administration Subtotal* | $270,000 |
| | Fire | Staff Vehicle Replacement (1997) | $36,000 |
| | | Fire Alarm Truck Replacement (1988) | $65,000 |
| | | *Public Safety Subtotal* | $101,000 |
| | Highway | Dam Upgrades | $87,000 |
| | | Sander Replacement | $30,000 |
| | | One Ton Dump Truck | $40,000 |
| | | 6 Wheel Truck Replacement (2) (1991) | $120,000 |
| | | Front Loader (1980) | $156,000 |
| | | Sidewalk Construction | $200,000 |
| | | Sidewalk Plow Replacement (1993) | $130,000 |
| | | ½ Ton Pick-up Truck Replacement | $30,000 |
| | Parks | Rack Truck Replacement | $44,000 |
| | | *Public Works Subtotal* | $837,000 |
| | Public Facilities | ½ Ton Pick-up Truck Replacement | $22,000 |
| | | Electrical Van Replacement (2000) | $26,000 |
| | | Pick-up Truck Replacement (1991) | $30,000 |
| | | Paint Old Town Hall | $45,000 |
| | McCarthy Middle School | Gymnasium Upgrade | $125,000 |
| | High School | Building Facade | $350,000 |
| | | Stadium Seating & Press Boxes | $625,000 |
| | Council on Aging | Boilerless Steamer | $37,500 |
| | | *Public Facilities Subtotal* | $1,260,500 |
| | Technology | Smart Boards & Projectors | $100,000 |
| | | *School Department Subtotal* | $100,000 |
| **CAPITAL PROJECTS TOTAL** | | | **$2,568,500** |

And to see if the Town will vote to raise and appropriate, transfer and appropriate from available funds, transfer and appropriate from the stabilization fund, and/or borrow a certain sum of money to fund these obligations, and to further authorize the Town Manager to enter into lease and/or purchase agreements, on such terms and conditions as the Town Manager deems appropriate in the best interests of the Town, in excess of three years; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
**Town Manager**
**Capital Planning Committee**

**ARTICLE 8.** To see if the Town will vote to appropriate a sum of money from the Chelmsford Forum special revenue fund for the replacement of the roof at the Chelmsford Forum; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 9.** To see if the Town will vote to transfer a certain sum of money from the Sale of Graves and Lots to the Cemetery Improvement and Development fund; or act in relation thereto.

SUBMITTED BY: **Cemetery Commission**

**ARTICLE 10.** To see if the Town will vote to authorize the Board of Selectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent easements, and any property in fee simple with the buildings and trees thereon by purchase, eminent domain, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Tuttle Road Pump Station" dated February 2009, a copy of which is on file in the office of the Town Engineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, pumping stations, and all other appurtenances thereto; and to see if the Town will vote to raise and appropriate from the stabilization fund, transfer or appropriate from revenue sharing funds and/or borrow a certain sum of money to defray all necessary costs, fees, and expenses in connection with the acquisition of said land and for paying damages which may be awarded as the result of any such taking; or act in relation thereto.

SUBMITTED BY: **Sewer Commission**

**ARTICLE 11.** To see if the Town will vote to transfer from the Sewer Commissioners for sewer purposes to the Board of Selectmen for the purpose of conveyance, the care, custody, management and control of the parcel of land shown as "Parcel B Permanent Land Taking 893± sq.ft." on a plan of land entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Park Road/Cambridge Street Area Phase 4H Sewers," dated March, 2008, prepared by Richard F. Kaminski and Associates, Inc., recorded with the Middlesex North District Registry of Deeds in Plan Book 228, Plan 24, and being a portion of the premises acquired by the Town by Order of Taking recorded with said Deeds in Book 22540, Page 252, and further to authorize the Board of Selectmen to convey said parcel of land to William F. Leary, Jr. and Helen D. Leary on such terms and conditions, and for such consideration, which may be nominal consideration, as the Selectmen deem appropriate; or to take any action relative thereto.

SUBMITTED BY: **Sewer Commission**

**ARTICLE 12.** To see if the Town will vote to acquire by purchase, gift, eminent domain, or otherwise certain permanent and temporary easements in real property located in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans entitled "Transportation Improvement Project" prepared by Vanasse, Hangen Brustlin, dated September 26, 2008, a copy of which is on file in the office of the Town Clerk and is incorporated herein by reference, and to raise and appropriate, $14,000 for said acquisition; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**ARTICLE 13.** To see if the Town will vote to accept the following mentioned streets, as laid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town Clerk:

**Park Place**

Providing all the construction of the same meets with the requirements of the Board of Selectmen, and subject to the withholding of any remaining bonds until such requirements have been met; and to see if the Town will vote to authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, and any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the purpose of securing traffic safety and road improvements, and to see if the Town will vote to raise and appropriate, transfer and appropriate from the Stabilization Fund, and/or borrow a certain sum of money to defray all necessary costs, fees and expenses in connection with the acquisition of said land and for paying any damages which may be awarded as a result of any such taking; and to see if the Town will vote to authorize the Board of Selectmen to negotiate and execute all necessary and proper contracts and agreements thereto; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

**ARTICLE 14.** To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation budget and:

A. To appropriate from FY2010 Community Preservation Fund revenues the following:

(1) **a sum of money** to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2010;

and further,

B. To reserve for future appropriation amounts from FY2010 Community Preservation Fund revenues as recommended by the Community Preservation Committee:

(1) a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use,
(2) a sum of money for the acquisition and preservation of historic resources,
(3) a sum of money for the creation, preservation and support of community housing;
(4) a sum of money for the Community Preservation Fund FY2010 Budgeted Reserve

: Or act in relation thereto.

SUBMITTED BY: **Community Preservation Committee**

**ARTICLE 15.** To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, certain parcels of land, containing a total of 79,376 square feet, more or less, located adjacent to Pond Street in South Chelmsford, which parcels are shown as Lot 2 on Assessor's Map 124, Block 463; Lot 4 on Assessor's Map 124, Block 463; and Lot 15 on Assessor's Map 124, Block 468, and constitute the entire premises described in a deed recorded in the Middlesex North Registry of Deeds in Book 20518, Page 262, said parcels to be held for the purpose of open space and recreational use; to authorize the Board of Selectmen to convey a perpetual conservation restriction in said parcels in accordance with M.G.L. Chapter 184, Section 31, as required by M.G.L. Chapter 44B,

Section 12 (a), as amended, and that said conservation restriction may be granted to any organization qualified and willing to hold such a restriction in accordance with M.G.L. Chapter 44B; and further to raise and appropriate, transfer from available funds, transfer from the Community Preservation Fund, and/or borrow pursuant to Massachusetts General Laws Chapter 44, Section 7 or 8, or Chapter 44B, Section 11, or any other enabling authority, a certain sum of money to fund said acquisition, including related appraisal, survey, and legal costs, and other costs incidental and related thereto; and further to authorize the Board of Selectmen to take all actions necessary to acquire said parcels; or act in relation thereto.

SUBMITTED BY: **Town Manager**
**Community Preservation Committee**

**ARTICLE 16.** To see if the Town will vote to appropriate a certain sum of money from the Community Preservation Fund Historic Preservation Reserve, and from the Community Preservation Fund General Reserve, for use by the Chelmsford Cemetery Commission for the purpose of the preservation of the Forefathers Burial Ground; or act in relation thereto.

SUBMITTED BY: **Community Preservation Committee**

**ARTICLE 17.** To see if the Town will vote to amend The Town Code, by amending Chapter 187, "Wetlands Bylaw", by replacing it with the following:

Chapter 187
WETLANDS

[HISTORY: Adopted by the Annual Town Meeting of the Town of Chelmsford 5-8-1995 by Art. 18. Amendments noted where applicable.]

GENERAL REFERENCES

Conservation Commission -- See Ch. 20.
Zoning -- See Ch. 195.
Subdivision of land -- See Ch. 202.

~ 187-1. Purpose

A. The purpose of this Chelmsford Bylaw, Chapter 187 ("Chapter") is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Chelmsford ("Chelmsford") by controlling activities deemed by the Conservation Commission ("Commission") likely to have a significant or cumulative effect on Resource Area values upon wetland values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of water pollution prevention, fisheries, fresh water shellfisheries, wWildlife Habitat, Rare Species habitat, Agriculture, aquaculture, recreation and aesthetics values deemed important to the community (collectively, the "interestsValues pProtected by this eChapter" or "Values").

B. This Chapter is intended to utilize the Home Rule authority of Chelmsford so as to protect the Resource Areas under the Wetlands Protection Act, G.L. Ch.131 §40 ("the Act") to a greater degree, to protect additional Resource Areas beyond the Act recognized by Chelmsford as significant, to protect all Resource Areas for their additional values beyond those recognized in the Act, and to impose in the Commission Regulations and permits additional standards and procedures stricter than those of the Act and Act regulations, 310 CMR 10.00, subject, however, to the rights and benefits accorded to Agricultural uses and structures of all kinds under the laws of the Commonwealth of Massachusetts ("Commonwealth") and other relevant Bylaw Chapters of Chelmsford.

~ 187-23. Definitions

A. The following definitions shall apply in the interpretation and implementation of this eChapter:

ABUTTER(S) -- Includes owners of property immediately adjacent or directly opposite on any public or private street or way, or across a road or water body or in another municipality if within 300 feet of the boundary of the property where work is proposed.

AGRICULTURE -- shall be defined as provided by G.L. Ch. 128 §1A.

ALTER(ATION) -- Includes, without limitation, the following acts or activities when undertaken to, upon or within, or affecting Resource aAreas subject to this eChapter:

(1) Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind.

(2) Changing of preexisting drainage characteristics, flushing or flood storage characteristics, salinity distribution, sedimentation patterns, or flow patterns and flood storage retention characteristics.

(3) Drainage or other dDisturbance of water level or water table.

(4) Dumping, discharging, or filling with any material or other activity which may degrade water quality in or out of ~~the Town of~~ Chelmsford.

(5) Driving of piles or erection, expansion or repair of buildings or structures of any kind.

(6) Placing of obstructions or objects, whether or not they interfere with the flow of water.

(7) Destruction of plant life, including cutting of trees and shrubs.

(8) Changing of ~~water~~ temperature, biochemical oxygen demand or other physical, biological or chemical characteristics of ~~the~~ any waters.

(9) Any activities, changes, or work which may cause or lead to continuous pollution of any body of water or groundwater.

(10) Incremental activities which have or may have a cumulative adverse impact on the Resource Areas protected by this Chapter.

~~APPLICANT -- A person giving notice of intent to build, remove, fill, dredge or alter~~

~~AREAS SUBJECT TO PROTECTION -- include the resource areas described in § 187-4 of this chapter.~~

BANK -- ~~That part of~~The land area which normally abuts and confines ~~a~~the water body, the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope of the mean annual flood level, whichever is higher.

BUFFER ZONE -- ~~That area of upland within~~ The lands out to a distance of 100 feet horizontally outward from the boundary of a resource area that, upon the following: any freshwater wetlands, marshes, wet meadows, bogs, swamps, Vernal Pools, streams, Banks, reservoirs, lakes, Ponds of any size, beaches, lands under water bodies, intermittent streams, brooks and creeks.

BUILDING -- A structure enclosed within exterior walls or fire walls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof," shall include an awning or any similar covering, whether or not permanent in nature.

DISTURBANCE – Any activity that will change the natural condition of the land or Alter the characteristics of the land involving, but not limited to, land clearing, filling, grading, excavating and dumping.

~~INTERESTS PROTECTED BY THIS CHAPTER -- include public or private water supply, groundwater supply, flood control, erosion control, storm damage prevention, water pollution prevention, fisheries, shellfish, wildlife habitat, recreation and aesthetics.~~

~~LAND UNDER WATER BODIES OR WATERWAYS and VERNAL POOL HABITAT -- As defined in 310 CMR 10.04.~~

~~LOWER FLOODPLAIN -- The area of land within the statistical ten-year flood or within 100 feet of the bank or boundary vegetated wetland, whichever is further from the water body or waterway.~~

~~MARSH, FRESHWATER WETLAND, SWAMP, WET MEADOW and BOG -- As defined in MGL c. 131, § 40. The boundary of these wetlands is the line within which 50% or more of the vegetation consists of wetland plant species as set forth in MGL c. 131, § 40, and in situations where a dispute exists, the line within which the soil conditions meet the technical criterion of a hydric soil as defined by the currently approved Army Corps of Engineers delineation manual. [Amended 10-31-1990 ATM by Art. 48]~~

~~PARKING LOT AREA -- An off-street area, including parking spaces, loading areas and all associated maneuvering areas such as aisles and driveways, serving as an accessory use for the parking of vehicles and available to the public as an accommodation for clients, customers or employees.~~

PERSON -- Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the ~~C~~commonwealth or a political subdivision thereof to the extent subject to ~~town Chelmsford~~ ~~b~~Bylaws, administrative agencies, public or quasi-public corporations or bodies, ~~the Town of~~ Chelmsford and any other legal entity, its legal representatives, agents or assigns.

~~POND -- As defined in the Act regulations, 310 CMR 10.04, except that the size threshold of 10,000 square feet shall not apply.~~

RARE SPECIES -- Those vertebrate and invertebrate animal species ~~and plant species~~ officially listed as endangered, threatened or of special concern by the Massachusetts Division of Fisheries and Wildlife under ~~regulations~~ 321 CMR ~~§~~10.00 ~~and those plant species listed as rare, threatened or endangered by the Massachusetts Natural Heritage Program regardless of whether the site in which they occur has been previously identified by the Division~~.

RESOURCE AREA~~S(S)~~ -- ~~The same as areas subject to protection. Areas that are presumed important to the protection of the Values of the Chapter including any freshwater wetlands, marshes, wet meadows, bogs, swamps, Vernal Pools, springs, Banks, reservoirs, lakes, Ponds of any size, beaches, lands under water bodies, intermittent streams, brooks and creeks, Buffer Zones, perennial rivers, streams, brooks and creeks, the Riverfront Area; and lands subject to flooding or inundation by groundwater or surface water, whether or not they abut surface water.~~

~~RIVER -- As defined in MGL c. 131, § 40. [Added 3-27-2000 STM by Art. 4.]~~

~~RIVERFRONT AREA -- lands adjoining perennial rivers, streams, brooks and creeks out to a distance of 200 feet.~~

VALUES PROTECTED BY THIS CHAPTER -- Includes public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution prevention, fisheries, freshwater shellfisheries, Wildlife Habitat, Rare Species habitat, Agriculture, aquaculture, recreation and aesthetics.

VERNAL POOL -- shall include, in addition to scientific definitions found in the Act regulations, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other Vernal Pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the Resource Areas for Vernal Pools shall be the mean annual high-water line defining the depression.

WILDLIFE -- All mammals, birds, reptiles, amphibians and ~~all~~ vertebrate and invertebrate animal species, except domesticated species.

~~WILDLIFE HABITAT -- Those areas subject to this chapter which, due to the plant community composition and structure, hydrologic regime or other characteristics, provide important food, shelter and migratory travel or overwintering areas or breeding areas for wildlife.~~

B. The Commission may adopt additional definitions ~~not in~~consistent with this ~~section of this~~ ~~c~~Chapter.

C. Except as otherwise provided in this Chapter or in Commission Regulations, the definitions of terms and the procedures in this Chapter shall be as set forth in the Act and Act regulations, 310 CMR 10.00.

~ 187-~~3~~2. ~~Protection of resource areas~~ Jurisdiction~~.~~

A. Except as permitted by the ~~Conservation~~ Commission or as provided in this ~~c~~Chapter, no ~~p~~Person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise ~~a~~Alter the following ~~r~~Resource ~~a~~Areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, ~~v~~Vernal ~~p~~Pools, springs, ~~b~~Banks, reservoirs, lakes, ~~p~~Ponds of any size, ~~rivers, beaches, lands under water bodies~~ intermittent streams, brooks and creeks; Buffer Zones: perennial rivers, streams, brooks and creeks; the Riverfront Area: lands subject to flooding or inundation by groundwater or surface water ~~beaches, lands under water bodies or lands within 100 feet of the aforesaid resource areas or lands within the one-hundred-year floodplain, either calculated or mapped (collectively the "areas subject to protection by this chapter")~~. Said ~~r~~Resource ~~a~~Areas shall be protected whether or not they border surface waters.

B. The jurisdiction of this Chapter shall not extend to uses and structures of Agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing Agriculture, including work performed for normal maintenance or improvement of land in Agricultural or aquacultural uses as defined by the Act regulations, 310 CMR 10.04.

~ ~~187-4~~187-5. Limitations on ~~c~~Construction and Disturbance~~:~~

A. The construction of any ~~B~~building, as defined herein, on any lot having an area of 40,000 square feet or more ~~or any parking lot containing 10 or more parking spaces~~ shall be prohibited within 50 feet of any ~~r~~Resource ~~a~~ Area ~~excluding Buffer Zones, Riverfront Area and lands subject to flooding or inundation by groundwater or surface water~~. The ~~Conservation~~ Commission may, at its discretion, ~~exempt~~ allow a shed, playhouse or other structure ~~from this definition~~ : provided that it is built on footings requiring no more than four square feet cumulative ground ~~d~~Disturbance and has a footprint no larger than 144 square feet. ~~For the purposes of this chapter, a parking lot shall be defined as a paved area containing 10 or more parking spaces. The term "parking lot" shall not be interpreted to include drives, fire lanes or other appurtenances. Any such drives, fire lanes or appurtenances shall be clearly marked "no parking". Parking areas which provide fewer than 10 parking spaces shall not be subject to 187-4. [Amended 5-27-2000 STM by Art. 4]~~

~~B. The construction of any Parking Lot/Area including 10 or more parking spaces shall be prohibited within 50 feet of any Resource Area excluding Buffer Zones, Riverfront Area and lands subject to flooding or inundation by groundwater or surface water. Any drives, fire lanes or appurtenances shall be clearly marked "No Parking".~~

~~C. The Commission shall be prohibited from issuing a permit for any parcel where at least 80% of the lot area required by Chapter 195, Zoning, Table 2 Dimensional Requirements, Minimum Lot Requirements, is not contiguous and other than that under any water body or bog, swamp, wet meadow, marsh or any other wetland as defined in MGL c. 131, § 40. The Commission may, at its discretion, issue a permit for a parcel which qualifies as a grandfathered lot under MGL c. 40A, § 6, if it specifically finds that the interests of this chapter are protected. [Amended 5-27-2000 STM by Art. 4]~~

~~F~~C. The ~~construction of Commission shall not allow~~ any impervious surface ~~shall be prohibited~~ within ~~25~~ 30 feet of any ~~r~~Resource ~~a~~ Area ~~excluding Buffer Zones, Riverfront Area and lands subject to flooding or inundation by groundwater or surface water. The Commission may waive this requirement if it specifically finds that the interests of this chapter are protected. [Added 5-27-2000 STM by Art. 4]~~

~~D. The Disturbance of any area shall be prohibited within 25 feet of any Resource Area excluding Buffer Zones, Riverfront Area and lands subject to flooding or inundation by groundwater or surface water.~~

~~B~~E. The reconstruction, alteration, extension or structural change of a ~~b~~Building existing on or before October 15, 1990, shall be exempt from the provisions of ~~(A)(187-5, A above)~~ ~~(1)~~ However, said work shall require approval from the Commission if within its jurisdiction. ~~[Amended 5-7-08 ATM by Art 19]~~

~~D~~F. The Commission may waive ~~the fifty-foot construction prohibition contained~~ any provisions of 187-5, Limitations on Construction and disturbance ~~herein~~ where the Commission specifically finds that literal enforcement of the ~~prohibition~~ provision would involve ~~substantial~~ demonstrated substantial hardship ~~financial or otherwise~~ to an applicant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this ~~c~~Chapter. ~~[Amended 10-21-1999 ATM by Art. 18]~~

~ 187-~~5~~4. Exemptions and Exceptions~~.~~

~~_____~~ The applications and permits required by ~~t~~this ~~c~~ hapter shall not ~~be required to apply to the following types of projects~~:

~~C~~A. Work performed for normal maintenance or improvement of lands in ~~a~~Agricultural and aquacultural use as defined by the Act regulations, 310 CMR 10.04 at the time the work occurs.

~~A~~B. ~~Work required for the m~~Maint~~en~~ain~~ing~~e, repair~~ing~~, or replac~~ingement~~, but not ~~the~~ substantially changing or enlarging, ~~of~~ an existing and lawfully located structure or facility used in the service of the public ~~and used~~ to provide electric, gas, water, telephone, telegraph ~~and~~ or other telecommunications services~~,~~ provided that written notice has been given to the Commission prior to commencement of work and that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

~~B~~C. Emergency projects ~~as defined in MGL c. 131, § 40, which are~~ necessary for the protection of the health and safety of the ~~citizens of the commonwealth~~ public, provided that the work is ~~and~~ to be performed by or has been ordered ~~to be performed~~ by an agency of the ~~c~~Commonwealth or ~~of the town or~~ its political subdivision; that advance notice, oral or written, has been given to the Commission prior to or within twenty- four (24) hours after commencement of work; that the Commission or its agent certifies the work as an emergency project; that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and that within twenty-one (21) days of commencement of an emergency project a permit application shall be filed with the Commission for review. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures. ~~An emergency project may be any project certified to be an emergency by the Commission or its authorized agent.~~

D. Minor activities as specified in the Commission Regulations within the Buffer Zone or Riverfront Area, provided the activity is not within any other Resource Area.

E. Other than stated in this Chapter and the Commission Regulations, the exceptions provided in the Act and Act regulations, 310 CMR 10.00 shall not apply.

~~187-6. Determination of applicability.~~

~~A.~~187-6 C Any ~~p~~Person ~~desiring to know whether a proposed activity or an area is subject to~~ this Chapter may request ~~in writing a determination from~~ the ~~Conservation~~ Commission ~~to make a determination as to whether or not this chapter applies to a particular area of land~~. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.

~~B. This request shall be sent by certified mail or hand delivered to the Commission or its authorized representative. If the applicant is other than the owner, the applicant shall send a copy of the request to the owner. If the applicant hand delivers the request to the Commission, he/she shall be given a dated receipt.~~

C. The Commission shall determine, within 21 days of receipt of such request, whether the chapter does apply to the particular area of Land. The Commission will send to the applicant a determination of applicability.

D. The determination of applicability will be sent to the applicant by certified mail. If the applicant is other than the owner, the Commission will send a copy of the determination to the owner by certified mail.

~ 187-~~7~~6. Application~~s for permit~~ and Fees.[1] [Amended 3-27-2001 STM by Art. 4]

A. ~~If the particular area of Land is subject to this chapter, then the applicant must file an application for permit.~~ Written application shall be filed with the Commission to perform activities affecting Resource Areas. Thise permit application ~~for permit will be on a form available from the Commission. Said application for permit~~ shall include ~~such information~~ and plans ~~and specifications as required of an applicant under MGL c. 131, § 40, as of July 28, 1978, and as amended, and such other information~~ as are deemed necessary by the Commission to describe proposed activities and their effects on the Resource Area ~~may require. These plans will clearly show the location of wetland boundaries and numbered wetlands flags. Said numbered flags shall correspond to flags in the field.~~ No activities shall commence except as explicitly permitted in writing by the Commission.

~~B.~~B. ~~The application for permit may be filed before other permits, variances and approvals required under other town bylaws, the Subdivision Control Law[2] or regulations have been obtained.~~ The Commission in an appropriate case may accept as the application and plans under this Chapter any application and plans filed under the Act and Act regulations, 310 CMR 10.00, but the Commission is not obliged to do so.

~~C.~~D. At the time of an ~~The~~ application the applicant shall pay a non refundable fee as specified in the Commission Regulations. ~~for permit shall be accompanied by a check for the amount of the filing fee (see filing fees). No filing fee is required when the Town of Chelmsford files an application for permit.~~ The fee is in addition to that required by the Act and Act regulations.

E. Pursuant to G.L. Ch. 44 §53G and the Commission Regulations, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants, including engineers, wetlands scientists, Wildlife biologists or other experts in order to aid in the review of proposed projects

~~D. Each application for permit shall be sent by certified mail or shall be hand-delivered to the Conservation Commission or its authorized representative. A person delivering an application for permit by hand shall be given a dated receipt.~~

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[1] ~~Editor's Note: See Ch. 202, Subdivision of Land.~~

[2] ~~Editor's Note: See § 187-19, Fee schedule.~~

~ 187-87. Notice andPublic hHearings. [Amended 3-27-2000 STM by Art. 4]

187-7.1 A. Any pPerson filing an permit application for permit or ANRAD with the Commission shall at the same time shall give written notification(s) thereof, by delivery in hand or certified mail, (return receipt requested) or hand delivered - to all a Abutters and abutters to a Abutters within 300 feet of the property line of the applicantland where the activity is proposed at the ir mailing addresses shown on the most recent applicable tax list of the Aassessors., including but not limited to owners of land directly opposite said proposed activity on any public or private street or way, and in another municipality or across a body of water. Said notification shall be at the applicant's expense. The notice shall state a brief description of the project or other proposaland shall state where copies of the application for permit may be examined and obtained. and where information regarding the date, time and place of the public any Commission hearing or meeting date if known. The notice to Abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined or obtained by Abutters. and shall include all available information regarding the date, time and place of the public hearing. Proof of said notification An affidavit of the Person providing such notice, with a copy of the application for permit notice mailed or delivered, shall be filed with the Conservation Commission.

B. The Commission shall hold a public hearing on the any permit application, RDA, or ANRAD within 21 days of the filing of the application for permit. with written Anotice of the date, time and place of the hearing shall be given by the Commission, at the expense of the applicant, not less than at least five (5) business days prior to the hearing, by publication, in a newspaper of general circulation in Chelmsford and by mailing a notice to the applicant. When the applicant is other than the owner, the request and the notice of the hearing shall be sent by the applicant to the owner. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.

C. The Commission shall commence the public hearing within twenty-one (21) days from receipt of a completed permit application, RDA, or ANRAD unless an extension is authorized in writing by the applicant.

D. The Commission, in an appropriate case, Such hearing may combine its hearing under this Chapter with be held at the same time and place as any publicthe hearing required to be held conducted under the Act MGL c. 131, ~ 40 and the Act regulations, 310 CMR 10.00.

E. The Commission may continue the hearing to a date announced at the hearing for reasons stated at the hearing. If the Commission determines that These may include the need for additional data or information from the applicant or others as deemed is necessary by the Commission in its discretion and based on comments and recommendations of the boards and officials indicated in Section ~ 187-8. the hearing may be continued to a future date.

F. The Commission shall issue its permit, other order or determination in writing within twenty-one (21) days of the close of the public hearing unless an extension is authorized in writing by the applicant.

187-8. Coordination with Other Boards

The Commission may solicit the advice and opinions of appropriate Boards, Departments and Town Officials. Each shall be entitled to file written comments and recommendations with the Commission at least three (3) days before the hearing. The Commission shall take these comments and recommendations into account, but may not be bound by them. The applicant shall have the right to receive any such comments and recommendations, and respond to them at the hearing.

~ 187-9. Burden of ~~p~~Proof

The applicant shall have the burden of proving by preponderance of the credible evidence that the work proposed in the permit application will not ~~have unacceptable significant or cumulative harm effect~~ upon the ~~interests~~Values ~~p~~Protected by this ~~c~~Chapter. Failure to provide adequate evidence to the Commission supporting this burden ~~a determination that the proposed work will not harm the interests protected by this chapter~~ shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions. ~~or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence upon such terms and conditions as seem to the Commission to be reasonable.~~

~ 187-10. Permits and Conditions. ~~[Amended 3-27-2000 STM by Art. 4]~~

A. If after ~~said a public~~ hearing the ~~Conservation~~ Commission determines that the ~~land on which the proposed work is to be done is significant to the interests protected by this chapter, it shall, by written order,~~ activities in the permit application, or the land and water uses which will result therefrom are likely to have a significant individual or cumulative effect on the Resource Area values, the Commission shall issue or deny a permit for the activities requested within twenty-one (21) days of the close of the hearing. ~~or such further time as the Commission and applicant shall agree upon, impose such conditions reasonably necessary for the protection of interests described herein, and all work shall be done in accordance therewith.~~ The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such contiguous Resource Areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.

B. ~~If it issues a permit,~~ The ~~Conservation~~ Commission ~~may~~ shall impose ~~such~~ conditions ~~on any proposed removing, dredging, filling or altering as it~~ which the Commission deems necessary or desirable to protect Resource Area values~~and preserve the interests covered by this chapter. Such permit shall be in writing and may be subject to the same constraints as any such order issued by the Conservation Commission under the provisions of MGL c. 131, § 40, or successor statutes, and shall be issued within 21 days after the public hearing.~~ All activities shall be conducted in accordance with those conditions.

~~~187-11. Denial~~ C. Where no conditions are adequate to protect Resource Area values, ~~t~~The Commission is empowered to deny ~~permission for any removal, dredging, filling or altering on subject lands within the town if, in its judgment, such denial is necessary to protect the interest of this chapter.~~ a permit application for failure to meet the requirements of this Chapter. It may also deny a permit application for failure to submit necessary information and plans requested by the Commission, for failure
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to comply with the procedures, design specifications, performance standards, and other requirements in the regulations of the Commission, or for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the Resource Area values.

D. In reviewing activities within the Buffer Zone, the Commission shall presume the Buffer Zone is important to the protection of other Resource Areas because activities undertaken in close proximity have a high likelihood of adverse impact either immediately, as a consequence of construction or over time, as a consequence of daily operation or existence of the activities. These adverse impacts can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of Wildlife Habitat.

E. In reviewing activities within the Riverfront Area, the Commission shall presume the Riverfront Area is important to all the Values Protected by this Chapter unless demonstrated otherwise. No permit issued hereunder shall allow any activities unless the applicant, in addition to meeting the applicable requirements of this Chapter, has proved by a preponderance of the evidence that there is no practicable alternative to the proposed project with less adverse effects, and that such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this Chapter. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

F. To prevent Resource Area loss, the Commission shall require applicants to avoid Alteration wherever feasible, to minimize Alteration; and, where Alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication.

G. The Commission may require a Wildlife Habitat study of the project area pursuant to 187-6.1 to be paid for by the applicant, whenever it deems appropriate, regardless of the type of Resource Area or the amount or type of Alteration proposed. The decision shall be based upon the Commission's examination of the importance of the habitat area considering, but not limited to, such factors as proximity to other areas suitable for Wildlife, importance of Wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the Wildlife Habitat section of the Act regulations, 310 CMR 10.60.

H. The Commission shall presume that Vernal Pools including their Buffer Zone perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the Wildlife Habitat section of the Act regulations, 310 CMR 10.60.

~~(1)~~I. A~~Such~~ permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three (3) years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five (5) years from the date of issuance for recurring or continuous maintenance work, provided that annual notification

of the time and location of work is given to the Commission. The Conservation Commission may extend a Any permit may be renewed once one or more periods of for up to an additional three (3) years each period , provided that a The request for an renewal extension shall be made to the Conservation Commission. is received in writing by the Commission at least thirty (30) days prior to expiration of the permit. The Commission may deny the request for an extension and require the filing of a new application for permit for the remaining work. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place and shall apply to all present and future owners of the land.

J. For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this Chapter after notice to the holder, the public, Abutters, town boards and a duly conducted public hearing.

K. Amendments to permits, DOA's, or ORAD's shall be handled in the manner set out in the Act, regulations and policies.

L. The Commission in an appropriate case may combine the decision issued under this Chapter with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Act and Act regulations.

(2)(M) No proposed work proposed in any application governed by a permit shall be undertaken until all a permits, approvals and variances required by the local bylaw have been obtained and all applicable appeal periods have expired, or ORAD issued by the Commission with respect to such work has been recorded in the Registry of Deeds, or, if the land affected is registered land, in the registry section of the Land Court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee, either at the time of recording or as a condition precedent to the issuance of a COC.

~ 187-12. State statutes and regulations.

The Commission shall not impose additional or more stringent conditions pursuant to MGL c. 131, § 40 than it imposes pursuant to this chapter, nor shall it require a notice of intent pursuant to MGL c. 131, § 40 to provide materials or data in addition to those required pursuant to this chapter. All references in this chapter to MGL c. 131, § 40 shall include the provisions of regulations promulgated pursuant to said statute as codified in 310 CMR 10.00.

~ 187-13. Additional information.

At any time up to the closing of the hearing, the Commission may require such additional information from the applicant as the Commission reasonably deems necessary.

~ 187-[14]. Right of entry [Enforcement]

A. No Person shall remove, fill, dredge, build upon, degrade, or otherwise Alter Resource Areas protected by this Chapter, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Chapter.

~187-14. Right of entry B. The Commission, its agents, officers and employees shall have the authority tomay enter upon privately owned land for the purpose of performing their duties under this eChapter and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

C. The Commission shall have authority to enforce this Chapter, its regulations, and permits issued by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any Person who violates provisions of this Charter may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

~187-15. Recording. [Amended 5-27-2008 §13A by Art. 4]

Both the original order of conditions and a certificate of compliance with this order shall be recorded with the Registry of Deeds in Lowell for the property defined in the order. Evidence certifying that recording has been done must be returned to the Commission before work begins.

~187-16. Preacquisition violation.

187-13. D. Any pPerson who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this eChapter or in violation of any permit issued pursuant to this eChapter shall forthwith comply with any such order to restore such land to its condition prior to any violation; provided, however, that no action, civil or criminal, shall be brought against such pPerson unless commenced within three (3) years following the date of acquisition of the real estate by such pPerson.

~187-14. Appeals

A decision of the Commission shall be reviewable in the Superior Court in accordance with G.L. Ch. 249 §4.

~187-17. Legal action.

The Board of Selectmen shall, upon the request of the Conservation Commission, instruct Town Counsel to take such legal action as may be necessary to restrain a violation of this chapter and enforce the orders of the Commission hereunder, and the Town Counsel shall forthwith comply with such instructions.

~ 187-1811. Rules and rRegulations.

A. After ~~due~~ public notice and public hearing, the Commission ~~may promulgate~~ shall establish rules and regulations to ~~effectuate~~ carry out the purposes of this ~~C~~ hapter, effective when signed and filed with the Town Clerk. Failure by the Commission to ~~promulgate~~ issue such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this ~~C~~hapter. At a minimum these regulations shall reiterate the terms defined in this Chapter, define additional terms not inconsistent with the Chapter, and impose specific filing and consultant fees.

B. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the Chapter.

~~187-19. Fee schedule.~~

~~A. Rules.~~

~~(1) Permit fees are payable at the time of application and are nonreturnable.~~

~~(2) Town, county, state or federal projects are exempt from fees.~~

~~B. Fees.~~

~~(1) The Commission may adopt and impose project review charges in accordance with regulations promulgated pursuant to its authority under Massachusetts General Laws.~~

~~(2) In addition, if the Commission deems it necessary to obtain an independent engineering review, the cost of obtaining adequate engineering and environmental information shall be borne by the applicant. This cost must be paid by the applicant prior to the issuance of an order of conditions or the Commission will render the application incomplete.~~

~ 187-~~20~~12. Security.

~~A. As part of a permit issued under this Chapter, in addition to any security required by any other municipal or state board, agency or official,~~ ~~t~~he Commission may require ~~as a permit condition~~ that the performance and observance of ~~other~~ the conditions imposed including conditions requiring mitigation work be secured wholly or in part by one or both of the ~~following~~ methods described below:

A. By a proper bond, ~~or~~ deposit of money or negotiable securities under a written third party escrow arrangement or other undertaking of financial responsibility ~~in an amount determined by the Commission to be~~ sufficient in the opinion of the Commission, to be released in whole or in part upon the issuance of a COC for work performed pursuant to the permit, ~~to secure performance of conditions and observance of the safeguards of such order of conditions and payable to the Town of Chelmsford upon default.~~

B. By accepting a conservation restriction, easement or by a covenant, enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of Cheimsford, whereby the permit conditions and safeguards included in such order of conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

~~187-21. Violations and penalties. [Amended 5-7-08 ATM by Art 18]~~

187-13.1 Any pPerson who violates any provision of this cChapter or of any conditions of a permit issued pursuant to it ~~shall~~ may be punished in accordance with Cheimsford General Code, Chapter I, Article II, § 1-2 "Non-Criminal Disposition" ~~of the general Code~~. Each day or portion thereof during which a violation continues shall constitute a separate offense. This cChapter may be enforced by the Commission, Conservation aAgent or designee of the ~~Conservation~~ Commission, a town Police Officer or other officer having police powers. Upon request of the Commission, the Board of sSelectmen and tTown Counsel shall take such legal action as may be necessary to enforce this cChapter and permits issued pursuant to it.

~~187-22. Wildlife habitat evaluation.~~

~~A. Measuring adverse effects on wildlife habitat.~~

~~(1) To the extent that a proposed project will alter vernal pool habitat or will alter other wildlife habitat, such alterations may be permitted only if they will have no adverse effects on wildlife or vernal habitat. Adverse effects on wildlife or vernal habitat shall mean the alteration of any habitat characteristic, such as food, shelter and migratory, breeding and overwintering areas, insofar as such alteration will, following two growing seasons of project completion and thereafter for, if a project would eliminate trees, upon the maturity of replanted saplings, substantially reduce its capacity to provide important wildlife and vernal habitat functions. Such performance standards, however, shall not apply to the habitat of rare species. All projects that may impact on rare species must apply through the Massachusetts Natural Heritage and Endangered Species Program at least 90 days prior to the filing of a notice of intent.~~

~~(2) An evaluation by the applicant of whether a proposed project will have an adverse effect on wildlife habitat beyond permissible thresholds shall be performed by an individual with at least a master's degree in wildlife biology or ecological science from an accredited college or university or other competent professional with at least two years' experience in wildlife habitat evaluation.~~

~~(3) Any wildlife habitat management practices conducted by the Division of Fisheries and Wildlife and any wildlife management practices of any individual or organization, if reviewed and approved in writing by said Division, shall be presumed to have no adverse effect on wildlife habitat. Such presumption is rebuttable and may be overcome by a clear showing to the contrary.~~

~~B. Wildlife habitat characteristics of inland resource areas.~~

~~(1) Banks. The topography, soil structure and plant community composition and structure of banks can provide the following important wildlife habitat functions: food, shelter and migratory, breeding and overwintering areas for wildlife.~~

~~(2) Land under water bodies or waterways. The plant community and soil composition and structure, hydrologic regime, topography and water quality of land under water bodies or waterways can provide the following important wildlife habitat functions: food, shelter, breeding areas and overwintering areas for wildlife.~~

~~(3) Vernal pool habitat. The topography, soil structure, plant community composition and structure and hydrologic regime of vernal pool habitat can provide the following important wildlife habitat functions: food, shelter and migratory, breeding and overwintering areas for wildlife.~~

~~(4) Lower floodplains. The hydrologic regime, plant community and soil composition and structure, topography and proximity to water bodies and waterways of lower floodplains can provide the following important wildlife habitat functions: food, shelter and migratory, overwintering and breeding areas for wildlife.~~

~ 187-~~23~~15. Severability.

The invalidity of any section or provision of this ~~c~~Chapter shall not invalidate any other section or provision thereof, nor shall it invalidate any ~~permit, approval or determination order or conditions~~ which ~~has~~ previously has been issued.~~become final~~

or act in relation thereto.

SUBMITTED BY: **Conservation Commission**

**ARTICLE 18.** To see if the Town will vote to amend Chapter 106, Officers, Boards and Committees of the Chelmsford Town Code by inserting a new section, Section 7 Agricultural Commission as follows:

**Section 106-7. Agricultural Commission**

A. There shall be an Agricultural Commission to represent the Chelmsford farming community and related interests. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in Chelmsford, and shall promote agricultural-based economic opportunities in Town.

B. Said Commission, once appointed, shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following:

- serve as facilitators for encouraging the pursuit of agriculture in Chelmsford;
- promote agricultural-based economic opportunities in Town;
- act as mediators, advocates, educators, and/or negotiators on farming issues;
- work for the preservation of prime agricultural lands; and
- pursue all initiatives appropriate to creating a sustainable agricultural community.

C. The duties and responsibilities of the Commission shall include, but not be limited to:

- Advising the Town Manager in matters related to the care and usage of town-owned agricultural properties.

- Advising the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, and other local organizations, on projects and activities, including acquisitions and other transactions, involving agricultural lands in town.

- Engaging in projects and activities to promote the business of farming activities and traditions and farmland protection in town, including programs and community events.

D. The Commission shall consist of five members appointed by the Board of Selectmen. In the beginning, two members shall be appointed for a term of three years, two members shall be appointed for a term of two years, and one member shall be appointed for a term of one year. Thereafter, each member shall be appointed for a term of three years. Each term shall expire at the end of the appropriate fiscal year;

or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

**ARTICLE 19.** To see if the Town will vote to amend The Town Code, Chapter 195, "Zoning Bylaw", Article VII "Sign and Outdoor Lighting", by adding a new sub-section, § 195-33.5, "Billboard Overlay District", for purposes of establishing a Billboard Overlay District and zoning regulations and to amend Article II "Districts", sub-section 195.2 B, "Overlay Districts" by adding the "Billboard Overlay District" as follows;

195-33.5 Billboard Overlay District

**A. Purpose and Intent**

The Purpose of this section is to preserve and promote the public health, safety, and welfare and to provide siting criteria, standards, orderly, effective, and reasonable control of billboards, thereby halting sign proliferation, reducing distractions to drivers, enhancing the visual environment, minimizing the adverse visual impact of billboards on nearby properties and residential neighborhoods. Furthermore, it is the intent and purpose to establish reasonable and uniform guidelines that will prevent any unreasonable concentration of billboards within the town and that any billboard will provide a substantial benefit to the public good. The provisions of this chapter have neither the purpose nor the effect of imposing limitations or restrictions on content of any billboard. In addition, this bylaw recognizes 711 CMR 3.00, the Outdoor Advertising Boards Control and Restrictions of Billboards, signs and other advertising devices.

**B. Definitions**

1. Billboard - a free-standing off-premise bulletin or tri-vision sign, not exceeding 14'in height and 48' in width, including the supporting structure, which advertises, promotes or calls attention to any business, article, substance, idea or any other thing or concept within public view
   a. Bulletin – painted or printed on a single vinyl sheet or panel which are stretched over the sign face of the billboard
   b. Tri-vision - is a mechanical system that allows up to three sign faces to be placed on the same billboard at the same time. The sign faces are printed on strips of vinyl, which are affixed to the face of the triangular panels.

2. Development Agreement – an agreement between the Board of Selectmen and the applicant that identifies mutually agreed upon terms and requirements, including but not limited to public benefit.
3. Highway – Limited Access Interstate Highways Routes 3 and 495
4. Sign Face - The surface area of a sign on which the advertising message is displayed. A sign face shall only display one message at one time.
5. Public Benefit [benefit to the public good]: public benefit shall include, but is not limited to, monetary [i.e. lease agreement, development agreement with the town of Chelmsford etc.], informational, and/ or to provide emergency communication information [i.e.: "Amber alerts", weather advisories, road closures etc.]

**C. Applicability / Eligibility Requirements**

1. A special permit from the Planning Board is required for a billboard.
2. Billboards, as defined in Section 195-33.5.B, shall be prohibited in all zoning districts, except as allowed in the Billboard Overlay District.
3. Any billboard granted a special permit shall comply with all other Town Bylaws and all Federal and State statues.

**D. Establishment of Billboard Overlay District and Relationship to Underlying District**

1. The location and boundaries of this overlay district are hereby established and part of this bylaw as shown on the Billboard Overlay District Map, dated March 2, 2009. The Overlay District is established as an overlay to the underlying district, so that any parcel of land lying in the Overlay District shall also lie in the zoning district in which it was previously classified, as provided for in this Zoning Bylaw. The Billboard Overlay District includes the following parcels:

| Map | Block | Lot |
|---|---|---|
| 31 | 111 | 1 |
| 11 | 4 | 1 |
| 10 | 4 | 1 |
| 11 | 4 | 13 |
| 10 | 4 | 2 |
| 64 | 283 | 1 |

2. Billboards in the overlay district shall be exempt from Section 195-14 and all dimensional requirements of section 195-9.
3. To the extent that provisions of Article VII, Signs and Outdoor Lighting, may be inconsistent with the provisions of Section 195-33.5, the provisions of Section 195-33.5 shall govern regarding billboards in the Billboard Overlay District.

**E. Location Requirements**

1. Billboards shall comply with the following:
   a. Shall not be located within 500 feet, measured from the billboard to the property line of any lot used for residential purposes, including but not limited to such uses as elderly housing, assisted living and nursing homes. Hotels and motels are not considered residential uses for purposes of this section of the bylaw.
   b. Shall not be located within 1000 feet, measured from one billboard to another billboard.

c. Shall be located within 75 ft of the nearest edge of the highway right of way.
d. Shall not be located on, or project over, right of way, utility easement or drainage easement.
e. The distances specified above shall be measured by a horizontal line along the ground.
f. Not withstanding the setback distances, as required above, where Route 3 and Route 495, serve as a separation between a proposed billboard and a residential use, these roadways may, based upon a determination from the Planning Board, serve as an adequate setback in lieu of the setback distances required above; as long as the sign face is not visible from a residential use.

**F. Dimensional Standards**

1. The maximum sign face area shall not be more than 672 sq. ft. (14'x 48') per permitted side.
2. The maximum sign face area may be temporarily enlarged, for a period not to exceed 30 days, upon the approval by the building inspector. Such enlargements shall not be greater than 2' in width and 4' ft. in height per side and 5' in width and 2' ft. in height on the top.
3. The maximum height, including supporting structures to the highest point of the billboard shall not exceed 35 ft. The permitted height shall be based upon the average finished highway pavement elevation of a 10ft. by 10 ft. square area of pavement measured by a horizontal line from the base of the billboard to the closest point of highway pavement.
4. Minimum land area where a billboard may be located shall not be less than be 1,500 sq. ft. For purposes of this bylaw, minimum land area shall be defined as an area in which a billboard is located. The minimum land area may be in the form of a lease area or other form of ownership / interest.
5. A billboard and all associated equipment shall be located entirely within the minimum land area.
6. Minimum setbacks from side / rear property lines – minimum of 75 ft or twice the height of the approved billboard to be measured from the base elevation of the approved support structure.

The provisions of section F may be waived by the Planning Board upon a finding that such deviation will not detract from the purpose of Section 195-33.5.

**G. Design Standards**

1. Lighting
   a. Lighting shall be designed in accordance with the standards of Section 195-34, to the maximum extent feasible.
   b. Lights shall be located at the top of the billboard, shielded downward and towards the face of the billboard to prevent light spillage to the surrounding area.
   c. No revolving, moving, flashing, blinking or animated characteristics shall be permitted.
   d. Solar lighting is encouraged and as such solar panels shall be exempt from the height requirement in sub-section F.3.

2. Types
   a. Bulletin and tri-vision type billboards are permitted.
   b. Single and two sided billboards are permitted.
   c. Back to back and V-style billboards are permitted.
      i. Back to back – a structure with two parallel sign faces oriented in opposite directions.
      ii. V-style - A structure or structures with two sign faces, forming the shape of the letter "V" when viewed from above.
   d. Three sided billboards may be permitted based upon a determination of the Board.
   e. LED (digital) and/or internally lit type billboards are prohibited.
   f. Poster style billboard are prohibited. For purposes of this bylaw, a poster style billboard shall be defined as a series of printed-paper sheets that are glued onto the sign face.
3. Orientation
   a. Back to back billboards shall be parallel and shall be no more than five (5) feet apart.
   b. V-style billboards shall have an angle between the two faces of not more than 60 degrees.
   c. Billboards shall have not more than one sign face on each side of the sign structure.
   d. No billboard shall contain more than one sign facing the same direction of traffic on the highway.
   f. Billboards shall not be "stacked" one on top of another or placed together horizontally "end-to-end" or "side-by-side."

The provisions of section G. 1-3, with the exception of G.2.e, may be waived by the Planning Board upon a finding that such deviation will not detract from the purpose of Section 195-33.5.

4. Duration of Message
   Duration of each display [TRI Vision] shall be no less than 8 seconds. The sign shall change in a manner that does not cause a distraction to motorists.
5. Appearance
   Exposed back of signs, poles and other support structures may be required to be painted or shielded to minimize adverse visual impacts and to present a finished appearance so as improve the visual appearance.
6. Landscaping
   a. Supporting structures shall be adequately screened from abutting properties via a combination of existing and proposed vegetation.
   b. Existing vegetation shall be preserved to the maximum extent feasible.
7. Audio
   No outdoor speakers or other audio systems are permitted.
8. Variable Message Boards (VMB)
   VMB's may be approved as a means of providing a public benefit. A variable message board (VMB) is a sign whose message can be changed manually, electrically, mechanically, or electromechanically to provide motorists with information that results in a public benefit. For purposes of this bylaw, a VMB, may be permitted to have revolving, moving, flashing, blinking or animated characteristics.

The Planning Board shall determine, on a case by case bases, the design specifications and conditions of operation for a VMB.

**H. Maintenance**

1. All billboards, including the sign faces, supporting structures, lights and landscaping shall be kept in good repair and free from tears, rust and other indicia of deterioration.
2. Billboards and support structures shall be removed within 1 month of cessation of use. For purposes of this bylaw, "cessation of use" shall be defined as a period of 90 consecutive days in which the billboard is not used for the defined purposes, of this bylaw, or there is no intent to resume the use or activity of the billboard.

**I. Application Requirements**

The application for a Special Permit for a Billboard shall include the following information:

1. A completed Special Permit application and application fee as required. Each sign face shall be considered a separate sign for purposes of permit and filing fees.
2. Project Narrative, including but not limited to the following:
   a. public benefit
   b. Maintenance procedures
   c. easements & utilities
3. Executed Development Agreement
4. A locus map highlighting the subject property, displaying the property lines of adjacent lots and building footprints, where applicable, within 500 feet and the distance measurements to the abutting properties. This map shall be a minimum size of 24" x 36" and a minimum scale of 1"=100'.
5. A Site Plan in accordance with Section 195-103 of this zoning bylaw.
6. General description of structural design and construction materials of billboard.
7. A color rendering [drawing(s)] of the proposed billboard which shall contain specifications indicating height, perimeter, and area dimensions, means of support [support structure], methods of illumination if any, and any other significant aspect of the proposed billboard.
8. A boundary survey showing the minimum land area for the billboard on the lot and the location of the billboard within the minimum land area.
9. Certification(s) from licensed professional engineers that the soil surface is capable of sustaining the proposed load and that the electrical and structural strength of the proposed/actual sign is satisfactory.
10. Any other information requested by the Board in order to carry out the purpose and intent of these bylaws.
11. Provide view shed maps showing all locations where the billboard and structure will be visible from.
12. Planning board may require a balloon, crane, or other tests at the proposed location of the billboard to determine visual and aesthetic impacts
13. The Planning Board at its discretion may require additional information in order to determine visual and aesthetic impacts.

**J. Criteria for Approval**

1. The Planning Board may grant a Special Permit in accordance with the criteria of sections 195-103, 195-104.H and the provisions of this article.
2. The Board will pay particular consider the following additional criteria:
   a. Public Benefit

b. Minimize height and visual intrusion
c. Minimize land disturbance and removal of mature vegetation
d. Compliance to the maximum extent feasible, to Lighting standards on Section 195-34 of the zoning bylaw
e. Maximize energy efficiency

3. Special permits may be granted with such reasonable conditions, safeguards or limitations on time and use, as deemed necessary by the Planning Board, including but not limited to the following:
   a. Performance guarantees
   b. Maintenance Bonds

**K. Effect of Invalidity Determination**

In the event any subsection or provision of section 195.33.5 is determined to be invalid by a final judgment of a court, with all appeals having expired or been exhausted, then Section 195.33.5 in its entirety shall be deemed repealed.

Section 195-2.

B. Overlay districts are also hereby created, as follows CX, aquifer protection. ~~and~~ Floodplain and Billboard Overlay District.

or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 23rd day of March, 2009

**BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD:**

Philip M. Eliopoulos, Chairman

Clare L. Jeannotte, Vice Chairman

Patricia Wojtas, Clerk

William F. Dalton

Eric R. Dahlberg

**NOTICE OF PROPOSED DATES**
**AND TIMES FOR CONTINUED SESSIONS OF THE**
**SPRING ANNUAL TOWN MEETING**

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of April 27, 2009:

**Thursday, April 30, 2009 at 7:30 p.m.**

**Monday, May 4, 2009 at 7:30 p.m.**

**Thursday, May 7, 2009 at 7:30 p.m.**

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to Town of Chelmsford Code Chapter 154-9, these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. March 25, 2009

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence, Constable

A True Copy Attest:

William E. Spence, Constable

**Annual Town Meeting**
**April 27, 2009**

The Annual Town Meeting was called to order at **7:35** PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **155** Town Meeting Representatives present. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions. Town Counsel for this meeting from Koplemen and Paige would be Attorney John Giorgio. Selectman Clare L. Jeannotte moved that the reading of the Constable's return of the Annual Town Meeting warrant be waived. **Motion carried, unanimously.** Selectman Clare L. Jeannotte moved that the reading of the entire warrant be waived. **Motion carried, unanimously**. He then asked that the Body vote to allow non-residents Ted Litter, Bruce Forster, MIS Directors for the Town and Schools and Attorney David Mullen to be able to speak when necessary regarding the up coming articles. The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously**.

**UNDER ARTICLE 1.** Selectman Clare L. Jeannotte moved that the Town hear reports of the Town Officers and Committees.

The Manager said he had a few committee reports but he first wanted the Director of Public Health Richard Day to address the Body regarding the recent outbreak of a flu bug epidemic known as Swine Flu. Richard Day explained that the Board of Health was being very pro active on the "maybe" aspect of this flu becoming a pandemic. The Board will know more in the upcoming week. Information will be released to the media and is on the web site, which is being updated constantly.

Senator Susan Fargo came before the Body and gave updates concerning the State's budget. The House is in session and the four Representatives that the Town has are working on the budget. She said the local aid figure is the highest it has ever been, and then gave a brief report regarding the items that the Senate is discussing concerning retirement, transportation. There is a discussion going on about exempting the cities and towns from paying a gas tax. She concluded her report and the Body responded with a round of applause.

James Lane Chairman of the Master Plan Committee reported that the members of the committee are working on updating the Town's master plan many meetings have been held. He announced that there would be a breakfast gathering on Wednesday May 6th at the Police Department's Community room from 7:30 am to 8:30 am. The Business Community and the Committee want to hear the public input regarding the Town's infrastructure and transportation issues. Another Economic Development Session public input session will be held at the Senior Center on June 3rd at 7pm to 9 pm regarding land use, zoning, economic development and housing. He urged the public to attend. The Body responded with a round of applause.

Pat Maloney, Chairman of the Permanent Building Committee came forward. He showed a listing of the members. He explained that the mission of the committee is to assist the Town Manager in the development of financial estimates, project design, and the supervision of construction of municipal building projects. The Committee will assist the Manager with design, construction of municipal building projects, feasibility studies, bids, long-term capital plan for municipal buildings including the lease or sale of surplus municipal buildings. He listed the current activities and upcoming projects. He then reported the progress of funding from Massachusetts School Building Association. The Town received $8,739,542

the Fall of 2008 for the High School project reimbursement. A submission was made for mbursement for the McCarthy Middle School in the hopes of receiving between $3,000,000 and ,000,000 this Fall. The final submission for the Parker Middle School reimbursement will be done this ll. The Body responded with a round of applause.

The final report of the night would be from the Energy Conservation Committee. John Cormack Vice Chairman of the Committee came forward and gave a brief report. He explained that s committee was appointed by the Town Manager in June of 2008. It consisted of six individuals one which was Gary Persichetti who was the Director of Public Facility and the Chairman of this mmittee. He is an asset to the Town and it was because of Gary Persichetti's efforts that the Town eived a WIN DOER grant of $157,000. The Committee has discussed usage reduction in building's VAC and lighting controls, and street lighting usage. The need to make capital improvements through rformance contracting. And to look at alternate energy resources such as wind, ground sources and ar power. A conservation fair for the residents is being planned. The Body responded with a round of plause. The Manager said that concluded the reports and asked that they be accepted. **Motion carried animously by show of hands**

**UNDER ARTICLE 2.** Town Manager Paul E. Cohen moved that the Town vote to amend the scal Year 2009 operating budget under Article 7 of the Annual Town Meeting held on April 28, 2008, ended by Article 5 of the Annual Fall Town Meeting held on October 20, 2008, and amended by ticle 1 of the Special Town Meeting held on March 9, 2009 by transferring from the Stabilization Fund sum of $331,000 to fund the costs associated with the tree pruning and brush disposal related to the cember 11-12, 2008 ice storm.

The Town Manager explained that there were no changes to the FY09 budget since the Body last et in March. At that meeting he had reported that he was in the process of seeking reimbursement from Federal Emergency Management Agency as well as the MA Emergency Management Agency in gards to the cleaning up from the December 2008 ice storm.. He was pleased to report that along with assistance of the Department heads including Town Accountant Darlene Lussier, Police Chief James urphy, Fire Chief John Parrow and Facilities Director Gary Persichette have submitted for the mediate response of the ice storm in December of 2008 $180,729 and is expected to received the nds within the next few weeks. Jim Pearson DPW Director and John Long Superintendent of DPW ong with other personnel worked with the Army Corps of Engineers on determining that the Town is gible for $331,000 to fund the disposal of brush and removal of hanging tree limbs. A massive clean will take place in the next two weeks. However, the Town must put the money up front and will be mbursed by the Federal Government through the State Government. Due to there not being this type of oney in the DPW budget the funds will be transferred from the Stabilization Fund and efforts will be ade to reimburse the fund in this fiscal year so it will get certified in free cash then will come back at the ll Town Meeting with an article to transfer it back into the Stabilization Fund. The Moderator asked for estions. Hearing none, he asked for recommendations. The Finance Committee recommended the ticle. The Board of Selectmen recommended the article. The Moderator asked if there was a need to bate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

**UNDER ARTICLE 3.** The Moderator explained that he will read the Town Manager's opening ragraph then the Body will address each category of the budget and any motions to amend can be done that time rather then wait until the end of reading of the budget. Town Manager Paul E. Cohen moved at the Town vote to raise and appropriate $92,771,548; and transfer $1,472,187 from the Sewer etterment Fund; $471,090 from Sewer User Revenues; $216,535 from the School Lunch Revolving

Fnd; and $102,600 from the Childcare Revolving Fund to defray Town charges for the fiscal period July 12009 to June 30, 2010 according to the following line items. The Moderator asked if the Town Nanager wished to make a summary presentation, the Manager came forward and did so.

He started by saying that there is tremendous uncertainly on all government levels at this time tcause of the economic situation. Local aid funding is uncertain as well as Federal Stimulus funding. 1e Governor has provided certain numbers in his proposed budget which included local aid figures from l tery money. He then released a proposal for increasing the State's sales tax citing that the increase vould go towards local aid. The House Ways and Mean Committee released it's budget two weeks ago ad the Representatives are voting on it as he speaks. This budget has even lower figures then that of the Overnor's. and did not include any additional funding. However, amendments have been filed and again erything is unclear at this time. The Senate Ways and Mean Committee will have their own budget in Nay which will have different figures. He hopes by July 1st a State budget will be in place. He is going c the figures of the Governor's budget. If there is a significant difference a special town meeting will be cled to address the needed changes, otherwise it will be addressed at the Fall Town Meeting. He talked aout municipal relief situation regarding health costs that the cities and towns face. The Town has to vit and see if there is an increase to the room and meal tax. If the loop hole is closed regarding the cgoing telecommunication issue the Town may receive money. He went over the Federal Stimulus ronies. This was also known as the American Relief and Recovery Act.. The Governor has told the Wn that there will be an increase in Chapter 70 money of $1,517,458 for special education $643,055, $9,020 for preschool special education a grant of $21,102 which could apply for additional police ptrols. Have applied for three police officers through the COPS grant which the Federal government vould pay for three years. There is a Firefighter Assistance Grant in which the Federal government would ay for additional firefighters for two years. He stressed that these funds would enhance the Town's level coverage. There are Environmental grants that the Town will apply for. These grant monies will not go i o the operating budget, grants and are temporary funding which will be used to try and stabilize the dget until the economic situation turns around and the Town can then again start to maintain these atures. He said that the budget before the Body is a balance one, with the funding levels that are known this time. There is no use of Stabilization money that is to be used as only a rainy day option. The mmitment has been maintained to fund capital items which appear later under another article. Have aintained the Town's priorities for public safety and education and maintained the Town's investment in i infrastructure. He went over the history of the budget, citing the Town's revenues regarding property kes, State Aid and local receipts. He then went over the expenditures. Benefits are a big cost along th other fixed costs such as snow and ice accounts, non exclusive debt, and Nashoba. He then asked at the School Department make a brief presentation. Dr Donald Yeoman came forward and said that the usiness Manager Robert Cruickshank would make a presentation. Robert Cruickshank provided iformation regarding the forced reductions and the five year history that the School Department has gone rough. The Moderator asked if there were any questions concerning the presentation, hearing none he gan reading the budget figures.

He read the figures from Municipal Administration through the Chelmsford School Department king for any discussion under each. At Nashoba Valley Technical High School with a budget of ,790,816 Karen DeDonato said she had a series of questions regarding this budget. Basically people are estioning the increase and she knows it is based on an additional sixteen students. The Manager said s the budget was increased by $200,000.which is the required minimum set by the State. She estioned the minimal contribution of $24,675. The Manager said it was done by percentage across the ard. Nashoba is asking for $100,000 increase and because Chelmsford has the most students attending e Town's percentage is the highest. She asked if these additional monies is over an above the required inimal amount. Yes it is. She then questioned Chelmsford's portion of the Capital Expenditures. Is the

ount of $24,675 additional money over and above the required amount? Yes it is. Therefore, these two creases are requests not requirements. Yes. She asked that the School Choice Account be explained. A General Law requires a School Choice Program for all schools across the Commonwealth. Every ar a school district has the option to either vote out of the program or participate in the program and cide what level the Town will take students in for. For the past several years Chelmsford School epartment has chosen not to participate in the program. However, the Nashoba Regional School District s voted to participate in the program. This allows students who are not members of the Nashoba strict to attend the school. This would be done only if the district has space. And the marginal revenue ceived would exceed the marginal cost. This would increase the State aid for the Community. A portion this money is allowed to be put aside. In the case of Nashoba they have an account that has a balance $2 million dollars which is what they would use in case something catastrophic happened. Much like a abilization Fund. She stressed that these funds are to be used for the education of the children who go ere, correct? Yes. She asked what is a typical reserve percentage. The Manager explained that the law 5% of their budget. Which is why the Committee is using money from this fund to offset the cost for e upcoming school year. The Manager stressed that Nashoba has been frugal with their budget and ending. They do not spend every dollar that they receive. Karen DeDonato said then this has allowed em to have a good size savings account? Yes it has. She questioned the Capital Expenditure Account d wanted to know the figures on what has been spent over the years. The Manager requested that airman of the Finance Committee Mary Frantz address this. Mary Frantz said the figures were esented to the Finance Committee when Nashoba appeared before them. Was Nashoba actually ending the $100,000 allotted to them each year? Yes, pretty close to it. Was this account where the nding was done for a SUV vehicle? Yes it was. What is the Committee projecting for expenditures der Capital Planning for FY10. The Manager said it is listed under the budget information handout. It ves that past and present items. She questioned if the items shown could have been funded with the onies in the reserve account. Yes they could. She went on to say that it was reported in the newspaper at the Superintendent said if Nashoba receives any Federal Stimulus money then Nashoba would imburse the Town their portion of $24,675.for the Capital Expenditures. How would this be done?. e Manager explained that a Regional School District has the capability by a vote of their board to duce the Town's assessment figure. Which if passed is what would happen in this case. That figure is en sent to the Department of Revenue and the reduce assessment would come off the tax levy for the ar ahead. She said it was her understanding that in order for Nashoba's entire budget to be passed five t of the seven districts would have to vote to approve their allotted portion. Yes, that is correct it is cording to MA General Law that a 2/3's vote be required which in Nashoba's case would be five out of ven. How many Towns would it take in order to reject their budget in order to send it back to Nashoba r reconsideration of their budget? The Manager said three towns. Nashoba would then have between 30 45 days to balance their budget then present it again at Special Town Meetings in all the Towns. She estioned if the budget was required to come back to Town Meeting regardless of any vote. The anager said no. If this budget didn't pass in Chelmsford and it passed in the other Towns and is then ted to by the Nashoba School Committee then after 45 days it would pass by default. Karen DeDonato oved to amend the budget figure of Nashoba Technical High School from $1,790,816 to $1,741,466, hich represents a total decrease of $49,350, which reflects a $24,675 decrease in minimum contribution d $24,675 decrease in Capital Expenditures. Samuel Poulten made a point of order; he thought that this as only the question period. The Nashoba administration is present and wished to answer or clarify any estions. The Moderator explained that he had said at the beginning of the Budget that each budget ould be read and at that time, any motions to amend or debate will take place. When the debate starts, e Nashoba Committee has an opportunity to talk then. Karen DeDonato continued to explain her asoning for the amendment because she felt that Nashoba could afford to take their requested increases t of their two accounts. The Town Manager made a point of information. Nashoba Tech is not a Town epartment it is a regional entity. The Town can only approve or disapprove the assessment figure that

h is recommending and has brought before the Body It does not have the ability to amend the actual bdget If the Body does not approved the assessment figure it will be sending a message. He wanted to rmind the Body that even if no other Town rejects their assessed figure Chelmsford will still be obligated tpay the original figure requested. Karen DeDonato said she knew this but felt that it is important for pople to understand the two areas that are over and above minimal funding that Nashoba is requesting. Te Manager expressed two reasons for presenting the original figure. He said that he is supporting the bdget as requested because he takes the district at their word regarding reducing the assessment if the Smulus money becomes available; the State indicated that it will and he believes that it will be done. Scondly, he feels he should give full disclosure because he feels that he should give the whole truth bcause he feels the answers he's been giving are as if he was on trial. The point he was making was if te standard is the minimum funding level requirement under State law that is not the standard that Chelmsford has done over the years. Currently the budget is $4million dollars over the standard minimum fr the Chelmsford Public School budget. When everything is taken into consideration the support srvices of the Town including benefits the total is roughly $50 million dollars to support the Public Shools. The minimum amount required by the Commonwealth is $46 million, which is the $4million dllar differential. This is an important piece of information that he felt he should provide, he didn't want ay misimpression that only the Chelmsford Public Schools were being provided the minimum and Nshoba a percentage level above what was being done for the public school system in the Town. Karen DDonato said she respected the fact that an offer was made to give the money back, she just felt that it sould not have been asked in the first place because they have plenty of reserves to cover it. She tries rt to compare the two schools because they are very totally different schools. Nashoba offers an ecellent opportunity for the kids in Town. They have managed their budget very well; however, when tey come before a Town that has no money then they should look in house at their reserves and put off cpital expenditures for a year instead of coming to the Towns who are hurting so bad. They should use tere reserves and when the Stimulus money comes in pay themselves back. This is not the right time to b doing this. Samuel Poulten questioned if this motion is out of order because the budget can only be vted up or down. The Manager explained that it wasn't because a budget figure would still be voted. Smuel Poulten agreed that we are in tough times and thanked everyone for their patience. He appreciated tat an attempt is being made to send a message to the Nashoba School Committee; however the message vll go to the 133 students from Chelmsford. He asked that it not be signaled out separately from the Chelmsford Public Schools, it is still a Chelmsford Public School just like the McCarthy, Parker, Byam, Center and the High School. Enrollment has continued to go up each year. He said more then one year $million dollars have been used from the reserves as a funding source in order to keep the assessments cwn. When has the Town spent the absolute minimum on schools? He said there are other ways to send anessage. He knows that the other Town's support Nashoba. The Town Manger as well as the Board of Slectmen supports the Nashoba budget. He asked that the line item for Nashoba be supported just like all te other educational line items. Do not have the students receive a negative message. He asked that the rotion be defeated. Donald Ayer a member of the Nashoba School Committee spoke in favor of the bdget. Jodi Murphy said she is a teacher at Nashoba plus she has two students at CHS. She said that Nashoba is feeling the budget constraints. The budget is being run efficiently and is part of the Chelmsford Public School System. Kristine Ralls said she has two children at Nashoba and is sappointed. She has help support the Chelmsford School System in many ways in the past and felt that bcause this is a technical school people feel that it is not the same as a Chelmsford Public School. She quested that the original budget figure be supported. Nashoba is being penalized because it has a good bdget. There is no separate funding to fall back on if something major happens; it comes out of the atual budget. It is a school that is open to everyone and it is a choice on whether or not parents send their cildren there. Art Carmen said this is a financial issue not a issue on Nashoba being a technical school. He asked for the Finance Committee's explanation on their recommendation. Chairman Mary Franz said tat the Committee felt it was a fairness issue. Cuts where being made and felt at the Chelmsford Public

Shools. And because of their balance of the School Choice account money should be used from that acount if the stimulus money for whatever reason does not become available. Further discussion and qestions were asked about transportation fees and athletic fees being assessed by the Chelmsford Public Shools. Transportation fees for regional schools are not allowed under statue. Due to the fact that the shools in it's regional district do not charge fees for the student activities Nashoba doesn't. Many people soke for and against the motion. Frances McDougall moved the question. The Moderator asked for a vte by way of a show of hands on the motion to stop debate. **He declared that the motion carried by recognizing the 2/3's vote by-law.** He then asked for a vote by way of a show of hands on the motion to amend, the **motion carried.** Robert Joyce asked for a hand count. The Moderator asked if there were fe other people who wanted this done. Seeing no hands raised he continued.

The Moderator then read from Out of District Education to Public Safety. Michael Combs qestioned why there wasn't a budget item concerning the stabilization fund. A figure has been mntioned. The Town Manager explained that this is a projected figure. It comes from monies that is tned back to the Town by the various departments at the end of the fiscal year and from any monies that ireceived over and above estimated receipts. The Moderator continued to read and ask for any dcussion up to Community Services. Michael Santos questioned the McKay Library hours. The Manager explained that the Library Trustee's are allotted a certain budget figure and they decided how to send it. He asked that Becky Hermann Director of the Library come forward and further explain. Becky Hrmann said that due to budget constants the Trustees made the choice to close McKay Library one more day. It will now be opened Wednesdays and Fridays, the Monday hours have been eliminated. Mchael Santos then questioned the town beach at Freeman Lake what will happen. The Manager said it vll it not be opened because there is no funding for lifeguards. Will it be fenced in to keep swimmers out et. The Manager said that it will be posted no lifeguards on duty. This will also be done if the Town ctains the open area at Heart Pond. Will the beach be maintained at all as far as people gathering and jst hanging out, because the neighbors have issues with this type of behavior. The Manager said this vuld become a Police issue and they should be contacted when the need arises. Michael Santos epressed further concerns regarding liability and the maintenance of the beach. The Moderator read the Lrary budget figure. Michael Combs questioned what the dollar amount would be in order to keep the McKay open. The Manager explained that this is a staffing issued decided by the Trustee's. It is not his pce to choose the hours of operation. The Moderator read the Benefits and Insurance Budget. Robert Jyce questioned how much of this figure is related to the schools. The Manager said 70%. The Moderator read the figures under Debt and Interest. Karen DeDonato requested that the Board of Slectmen, Finance Committee and the Town Manager write a letter to the other Towns tied to Nashoba tling them the outcome of the vote regarding their budget. The Manager said that he felt that the iformation will be made known. Karen DeDonato said that this is a regional issue and that cmmunication should be made to the other Towns. She requested that this be done and that everyone sgn it and that it goes to each Town's Finance Committee, Board of Selectmen and Town Manager.

The Manager made a point of order, now that the budget has been discussed. Due to the vote in the rluction of the Nashoba budget, he requested that the final figure to raise and appropriate now be rlected to be $92,722,198. The Moderator asked if there was any need to hear further discussion about te budget. Michael Combs questioned why the difference in the two amounts couldn't be used for eguards. The Manager said that he had no indication from any of the other Towns that they were not ging to vote in their Nashoba budget figure. He will not allocate or re-appropriate any further monies tat may not be available especially with this fiscal situation. He needs to have a figure in place in order t have a balanced budget. Sam Poulten of NVTHS addressed the Body and said that the message will be bought back to Judith Klimkiewics the Superintendent of Nashoba and thanked everyone for their ptience. Carol Kelly-Sulesky asked if there was something that could be done at this meeting to avoid

ling a Special Town Meeting if the original Nashoba Assessment figure is to be the actual budget ure for the Town. The Manager said no need to call a Special Town Meeting; it will be addressed at Fall Town Meeting. The Moderator asked if there was any further discussion. Both the Finance mmittee and the Board of Selectmen recommended the article. He read the final figure of $92,722,198 the figure to be raised and appropriated. He asked for a vote by way of a show of hands, **motion rried.** The figures are as follows:

Town Manager Paul E. Cohen moved that the Town vote to raise and appropriate $92,722,198; and nsfer $1,472,187 from the Sewer Betterment Fund; $471,090 from Sewer User Revenues; $216,535 m the School Lunch Revolving Fund; and $102,600 from the Childcare Revolving Fund to defray wn charges for the fiscal period July 1, 2009 to June 30, 2010 according to the following line items.

| | |
|---|---|
| Municipal Administration | |
| 1. Personnel Services: | $1,330,042 |
| 2. Expenses: | $843,039 |
| Chelmsford School Department | |
| 3. Expenses: | $43,482,725 |
| Nashoba Valley Technical High School | |
| 4. Assessment: | $1,741,466 |
| Out of District Education | |
| 5. Assessment | $17,000 |
| Public Safety | |
| 6. Personnel Services: | $8,590,897 |
| 7. Expenses: | $1,047,584 |
| Public Works | |
| 8. Personnel Services: | $1,375,018 |
| 9. Expenses | $3,143,240 |
| 9A. Snow and Ice Removal | $1,113,500 |
| Municipal Facilities | |
| 10. Personnel Services: | $593,044 |
| 11. Expenses: | $441,516 |
| Sewer Commission | |
| 12. Expenses: | $4,000 |
| Cemetery Commission | |
| 13. Personnel Services: | $238,228 |
| 14. Expenses: | $43,160 |
| Community Services | |
| 15. Personnel Services: | $460,086 |
| 16. Expenses: | $205,775 |

Library

| | | |
|---|---|---|
| 17. | Personnel Services: | $1,035,228 |
| 18. | Expenses: | $409,227 |

Benefits and Insurance

| | | |
|---|---|---|
| 19. | Expenses: | $17,059,691 |

Debt & Interest

| | | |
|---|---|---|
| 20. | Non-Excluded: | $4,130,318 |
| 21. | Betterment - Funded: | $1,472,187 |
| 22. | Excluded: | $6,207,639 |

**UNDER ARTICLE 4.** Town Manager Paul E. Cohen moved that the Town vote to appropriate the following sums to operate the Sewer Enterprise for Fiscal Year 2010:

| | | |
|---|---|---|
| o Personnel Services: | | $700,767 |
| o Expenses: | | $1,717,114 |
| | Total: | $2,417,881 |

and that $2,417,881 be raised from Sewer Enterprise receipts.

The Manager explained the purpose of the Sewer Enterprise Fund. It is to establish a separate ounting and reporting mechanism for the operation of the Town's the sewer system. The revenues and enses are kept separate in this fund and not used for any other department's budget. The Finance mmittee recommended the article. The Board of Selectmen recommended the article. The Moderator ed if there was any debate. Hearing none, he asked for a vote by a show of hands, **motion carried, animously.**

**UNDER ARTICLE 5.** Town Manager Paul E. Cohen moved that the Town vote to raise and propriate $150,000 to be used as a Reserve Fund at the discretion of the Finance Committee for Fiscal ar 2010, as provided in General Laws Chapter 40, Section 6.

The Manager explained that this is yearly article. Money is set aside for the Finance Committee to for any unforeseen emergency transfer that may be necessary for a Departmental budget. The Finance mmittee recommended the article. The Board of Selectmen recommended the article. The Moderator ed if there was any debate. Hearing none, he asked for a vote by a show of hands, **motion carried, animously.**

**UNDER ARTICLE 6.** Town Manager Paul E. Cohen moved that the Town vote to authorize olving funds under Massachusetts General Law, Chapter 44, Section 53E ½ for the following artments in Fiscal Year 2010 with expenditures from said funds shall be limited to a certain sum as cified during Fiscal Year 2010:

- **Town Clerk**: The receipts to be credited to the fund shall be from the collection of fees from rabies clinic, pound and adoption fees. The Town Clerk shall be authorized to spend money from the fund for the purpose of providing improvements associated with the dog pound and programs and expenses associated with the licensing of animals. Expenditures from the program shall be limited to **$10,000** during Fiscal Year 2010.

- **Council on Aging:** The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Trip Program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing transportation necessary for implementing a Senior Trip Program. Expenditures from the Senior Trip program revolving fund shall be limited to **$300,000** during Fiscal Year 2010.

- **Council on Aging:** The receipts to be credited to the fund shall be from the collection of fees from the implementation of a Senior Respite Care Program. The Council on Aging shall be authorized to spend money from the fund for the purpose of providing personnel and expenditures for implementing a Senior Respite Care Program. Expenditures from the Senior Respite Care Program revolving fund shall be limited to **$300,000** during Fiscal Year 2010.

- **Police Department:** The receipts to be credited to the fund shall be from the collection of fees from the sale of used police cruisers. The Police Department shall be authorized to spend money from the fund for the purpose of purchasing communication equipment for newly acquired police cruisers. Expenditures from the Police Cruiser revolving fund shall be limited to **$20,000** during Fiscal Year 2010.

- **Inspection Department**: The receipts to be credited to the fund shall be from the collection of fees from the Sealer of Weights and Measures. The Inspection Department shall be authorized to spend money from the fund for the purpose of administering the services of the Sealer of Weights and Measures. Expenditures from the Weights and Measures revolving fund shall be limited to **$9,000** during Fiscal Year 2010.

The Manager said explained that this is a yearly article. He was hoping that the Legislators adopt hange in the statue, which would eliminate the necessary yearly vote for these revolving funds. The pcific fees taken in by these different Departments are only spent on the specification that the funds re set up for. The Finance Committee recommended the article. The Board of Selectmen ommended the article. The Moderator asked if there was any debate. Hearing none, he asked for a e by a show of hands, **motion carried, unanimously.**

**UNDER ARTICLE 7.** Town Manager Paul E. Cohen moved that the Town vote to appropriate $2,568,500 for the following capital projects:

## FY2010 PROPOSED CAPITAL BUDGET

| Function | Department /Location | Project | Expenditure |
|---|---|---|---|
| | Information Technology | Network Replacement | $170,000 |
| | | Virtual Desktop & Disaster Recovery | $100,000 |
| | | *Municipal Administration Subtotal* | $270,000 |
| | Fire | Staff Vehicle Replacement (1997) | $36,000 |
| | | Fire Alarm Truck Replacement (1988) | $65,000 |
| | | *Public Safety Subtotal* | $101,000 |
| | Highway | Dam Upgrades | $87,000 |
| | | Sander Replacement | $30,000 |
| | | 6 Wheel Truck Replacement (2) (1991) | $120,000 |
| | | Front Loader (1980) | $156,000 |
| | | Sidewalk Construction | $200,000 |
| | | Sidewalk Plow Replacement (1993) | $130,000 |
| | | ½ Ton Pick-up Truck Replacement | $30,000 |
| | Cemetery | One Ton Dump Truck | $40,000 |
| | Parks | Rack Truck Replacement | $44,000 |
| | | *Public Works Subtotal* | $837,000 |
| | Public Facilities | ½ Ton Pick-up Truck Replacement | $22,000 |
| | | Electrical Van Replacement (2000) | $26,000 |
| | | Pick-up Truck Replacement (1991) | $30,000 |
| | | Paint Old Town Hall | $45,000 |
| | McCarthy Middle School | Gymnasium Upgrade | $125,000 |
| | High School | Building Facade | $350,000 |
| | | Stadium Seating & Press Boxes | $625,000 |
| | Council on Aging | Boilerless Steamer | $37,500 |
| | | *Public Facilities Subtotal* | $1,260,500 |
| | Technology | Smart Boards & Projectors | $100,000 |
| | | *School Department Subtotal* | $100,000 |
| **CAPITAL PROJECTS TOTAL** | | | **$2,568,500** |

And to fund said appropriation, that the Town transfer $77.65 from unexpended bond proceeds under Article 13 of the Annual Town Meeting of April 28, 2003; transfer $7,692.34 from unexpended bond proceeds under Article 14 of the Annual Town Meeting of April 24, 2006; transfer $12,462.88 from unexpended bond proceeds under Article 12 of the Annual Town Meeting of April 30, 2007; transfer $5,176.24 from unexpended bond proceeds under Article 8 of the Annual Town Meeting of April 28, 2008; and that the Treasurer, with the approval of the Board of Selectmen, borrow an amount not to exceed $2,502,090.89 under Massachusetts General Laws Chapter 44, Sections 7 and 8 or any other enabling authority to fund these obligations.

The Manager explained that this is a list of capital requests from the various Town departments. The original dollar requests submitted for this article was $ 4 million dollars. The

mmittee of seven members met numerous times and decided on the items shown. He went over the list iing a little history of the requests. Most ages of the vehicles being replaced are shown in the article. have been repaired many times over the years and it is no longer a good investment to keep repairing. Dam upgrades are a result of a State mandated inspection of all dams in Massachusetts. It was found t three in Town (Freeman Lake, and Heart and Swain Ponds) needed to be repair. The Sidewalk nstruction is for the area around the Byam School. The Cemetery is replacing a 1999 Dump Truck. The time the Old Town Hall was painted was 13 years ago. The Gymnasium upgrade at the McCarthy is the replacement of the original 1959 bleachers, redo the flooring and other maintenance. The front of High School is in need of repair due to ice damage. The Stadium Seating is 29 years old and has been aired in the past now needs to be replaced. On behalf of the Committee, he thanked the body asked for ir consideration and support of the article. Scott Glidden asked if there has been any consideration of ng compress natural gas for the Town's fleet. The Manager explained that this process is being looked with great interest. However, currently the only location available for this is on the well/Tewksbury line which is a distance and not practical at this time. The Finance Committee ommended the article. The Board of Selectmen recommends the article. Matthew Cilento questioned need for certain items at this point and time considering the financial constraint that the Town is ler. Especially, regarding the technology and smart board items. The Manager explained that these ns are obtained by borrowing money over a ten year period. Putting off for one year the purchasing or ome cases replacing entirely is not a good, sound economic decision. It only puts off the needs to be dressed in order to maintain the Towns infrastructure. He would not recommend removing any item at time. The Moderator asked if there was any further debate. Hearing none, he asked for a vote by way a show of hands. The **motion carried, unanimously.**

**UNDER ARTICLE 8.** Town Manager Paul E. Cohen moved that the Town vote to appropriate 25,000 from the Chelmsford Forum Special Revenue Fund for the replacement of the roof at the elmsford Forum.

The Town Manager explained that the money in this article is not coming from the tax levy. It is ning from the maintenance fund that was set up in 1999. The State gave the Town a twenty-year lease the Forum. Under the agreement, the Town has to provide to the maintenance fund 35% of the yearly enues taken in. Currently there is a balance of over $600,000. There are three projects that need to be dressed. Two will be dealt with during this summer. The facility will close down for repairing the ice or and dashers and during that time, the roof will also be replaced. This is what the requested amount in article will be used for. The parking lot is in need of repair and will be address in the future. Like the lf course, is a self sufficient facility. The Finance Committee recommended the article. The Board of ectmen recommended the article. The Moderator asked if there was any debate. Hearing none, he ed for a vote by a show of hands, **motion carried, unanimously.**

**UNDER ARTICLE 9.** Town Manager Paul E. Cohen moved that the Town vote to transfer 5,000 from the Sale of Graves and Lots to the Cemetery Improvement and Development fund.

The Manager explained that this is a yearly article. In order to use the money the Commissioners d town meeting action to transfer from one account to the other. The Finance Committee ommended the article. The Board of Selectmen recommended the article. The Moderator asked if re was any debate. Hearing none, he asked for a vote by a show of hands, **motion carried, animously.**

**UNDER ARTICLE 10.** Dwight Hayward moved that the Moderator waive the reading of the icle. The Moderator asked for a vote on the motion by way of a show of hands. **Motion carried,**

**animously.** He then asked the Manager to indicate to the Body if there was a change in wording wn on the screen to any of the up coming motions prior to any discussion-taking place.

The Manager explained that this article is part of the ongoing sewer project taking place in Town. s is for a pump station that needs to be built for servicing the area. It will be funded by the sewer ject. The Finance Committee recommended the article. The Board of Selectmen recommended the cle. The Moderator asked if there was any debate. Hearing none, he asked for a vote by a show of ds, **motion carried, unanimously.** The article reads as follows:

Sewer Commissioner Richard J. Day moved that the Town vote to authorize the Board of ectmen and/or the Sewer Commissioners to acquire any and all temporary and/or permanent ements, and any property in fee simple with the buildings and trees thereon by purchase, eminent main, or otherwise, for the property located in the Town of Chelmsford, Massachusetts, and further cribed and shown on a set of plans entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, tle Road Pump Station" dated February 2009, a copy of which is on file in the office of the Town gineer and is incorporated herein by reference, for the purpose of constructing and maintaining sewers, mping stations, and all other appurtenances thereto;

**UNDER ARTICLE 11.** Dwight Hayward moved that the Moderator waive the reading of the cle. The Moderator asked for a vote on the motion by way of a show of hands. **Motion carried, animously.** The Manager explained that this was to release a small portion of land that was taken a r ago for a pump station for the Sewer project. Once the actual designs and plans were complete the mp station would not be compatible at this particular location. He asked that the Body support the cle. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. aring none, he asked for a vote by a show of hands, **motion carried, unanimously.** The article reads follows:

Sewer Commissioner Richard J. Day moved that the Town vote to transfer from the Sewer mmissioners for sewer purposes to the Board of Selectmen for the purpose of conveyance, the care, tody, management and control of the parcel of land shown as "Parcel B Permanent Land Taking 893± ft." on a plan of land entitled "Plan of Sewer Easements in Chelmsford, Massachusetts, Park ad/Cambridge Street Area Phase 4H Sewers," dated March, 2008, prepared by Richard F. Kaminski l Associates, Inc., recorded with the Middlesex North District Registry of Deeds in Plan Book 228, n 24, and being a portion of the premises acquired by the Town by Order of Taking recorded with said eds in Book 22540, Page 252, and further to authorize the Board of Selectmen to convey said parcel of d to William F. Leary, Jr. and Helen D. Leary on such terms and conditions, and for such sideration, which may be nominal consideration, as the Selectmen deem appropriate.

**UNDER ARTICLE 12.** Town Manager Paul E. Cohen moved that the Town vote to acquire by chase, gift, eminent domain, or otherwise certain permanent and temporary easements in real property ated in the Town of Chelmsford, Massachusetts, and further described and shown on a set of plans itled "Transportation Improvement Project" prepared by Vanasse, Hangen Brustlin, dated September 2008, a copy of which is on file in the office of the Town Clerk and is incorporated herein by erence, and that the Town raise and appropriate $14,000 for said acquisition.

The Town Manager explained that this was for a sidewalk improvement project in the Smith St a. The Town has to pay for the design and obtain the necessary easements. The State is providing the ding and once this received a time frame for completion will be determined. The Finance Committee ommended the article. The Board of Selectmen recommended the article. The Moderator asked if

e was any debate. Hearing none, he asked for a vote by a show of hands, **motion carried, nimously.**

**UNDER ARTICLE 13.** Dwight Hayward moved that the Moderator waive the reading of the cle. The Moderator asked for a vote on the motion by way of a show of hands. **Motion carried, nimously.** The Manager explained that this action is needed to release the bond. The road has been t to the Town's standards. The Finance Committee recommended the article. The Board of Selectmen mmended the article. The Moderator asked if there was any debate. Hearing none, he asked for a e by a show of hands, **motion carried, unanimously.** The article reads as follows:

Selectman Clare L. Jeannotte moved that the Town vote to accept the following mentioned street, aid out by the Board of Selectmen and shown by their reports duly filed in the office of the Town lrk:

**Park Place**

viding all the construction of the same meets with the requirements of the Board of Selectmen, and ject to the withholding of any remaining bonds until such requirements have been met; and that the vn authorize the Board of Selectmen to acquire any and all temporary and/or permanent easements, any property in fee simple, with trees thereon, by purchase, eminent domain, or otherwise, for the pose of securing traffic safety and road improvements, and that the Town authorize the Board of ectmen to negotiate and execute all necessary and proper contracts and agreements thereto.

**UNDER ARTICLE 14.** Dwight Hayward moved that the Moderator waive the reading of the cle. The Moderator asked for a vote on the motion by way of a show of hands. **Motion carried, nimously.**

The Manager explained that it is a State law that the CPA Committee has to distribute and ermine the amount of money into the categories shown in the article for future use. Thomas Fall asked v much of the $50,000 for administrative was spent. The Manager said most of it was spent on wing up plans for the up coming projects. If money is left in this category, it will be returned to the servation fund. The Finance Committee recommended the article. The Board of Selectmen mmended the article. The Moderator asked if there was any debate. Hearing none, he asked for a e by a show of hands, **motion carried, unanimously.** The article reads as follows:

Town Manager Paul E. Cohen moved that the Town vote to hear and act on the report of the nmunity Preservation Committee on the Fiscal Year 2010 Community Preservation budget and:

Appropriate from FY2010 Community Preservation Fund revenues $50,000 to meet the inistrative expenses and all other necessary and proper expenses of the Community Preservation nmittee for Fiscal Year 2010;

Reserve for future appropriation amounts from FY2010 Community Preservation Fund revenues as mmended by the Community Preservation Committee:

$113,550 for the acquisition, creation and preservation of open space excluding land for recreational use;
$113,550 for the acquisition and preservation of historic resources;
$113,550 for the creation, preservation and support of community housing;
$700,000 for the Community Preservation Fund FY2010 Budgeted Reserve

All other monies in the Community Preservation Fund shall remain undesignated until further recommendations by the Community Preservation Committee and action thereon by the Town Meeting.

Brian Latina moved to adjourn the Annual Town Meeting to Thursday April 30, 2009 at the Senior Center at 7:30 PM. The Moderator asked for a show of hands on the motion to adjourn. **Motion carried, unanimously.** The meeting adjourned at 11:00 PM

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

**Adjourned Annual Town Meeting**
**April 30, 2009**

The Adjourned Annual Town Meeting was called to order at **7:34** PM at the Senior Center, on ›ton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **145** wn Meeting Representatives present. The Moderator announced that those wishing to participate in the dge of Allegiance to please rise. He then made a few announcements. The Fall Town Meeting will in on October 19th. He went on to announce that a letter of resignation was received from long time wn Meeting Representative Betty (Elizabeth) McCarthy. He noted that he personally wanted to nked her publicly for her many, many years of service to this Body. She also served many others in wn. She has moved and had to resign. There is no one on the reserve list and the remaining 17 presentatives will meet and choose a replacement for an unexpired term which will expire next April. addition, he indicated the voting area that the Representatives must sit in during the meeting in order to counted. There was also a box in the back of the hall for the North Town Hall survey forms.

**UNDER ARTICLE 15.** Town Manager Paul E. Cohen moved that the Town vote to authorize Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, certain parcels of d, containing a total of 79,376 square feet, more or less, located adjacent to Pond Street in South elmsford, which parcels are shown as Lot 2 on Assessor's Map 124, Block 463; Lot 4 on Assessor's p 124, Block 463; and Lot 15 on Assessor's Map 124, Block 468, and constitute the entire premises scribed in a deed recorded in the Middlesex North Registry of Deeds in Book 20518, Page 262, said cels to be held for the purpose of open space and recreational use; to authorize the Board of Selectmen convey a perpetual conservation restriction in said parcels in accordance with M.G.L. Chapter 184, ction 31, as required by M.G.L. Chapter 44B, Section 12 (a), as amended, and that said conservation triction may be granted to any organization qualified and willing to hold such a restriction in cordance with M.G.L. Chapter 44B; and further to appropriate a total of $230,000 to fund said quisition, including related appraisal, survey, and legal costs, and other costs incidental and related reto; and to meet said appropriation, transfer $230,000 from the Community Preservation Fund serve for Expenditures Account; and further authorize the Board of Selectmen to take all actions cessary to acquire said parcels.

The Manager asked that before he speaks about the article that the Moderator allows Director of alth Richard Day to come forward and give further update regarding the Swine Flu epidemic that was ing reported heavily in the media. Richard Day explained that there were two cases in Lowell and that City had a handle on the situation. He asked that the public just take the normal precautionary asures that they would normally take during the flu season. He stressed that washing of hands and vering mouths when coughing or sneezing was most important. Just use common sense. Just be calm out the situation. The Body responded with a round of applause. The Manager then asked that Robert orse of the Community Preservation Committee come forward and explained the article.

Robert Morse explained that this article if passed would allow the Town to finance the purchasing open space off Pond Street. He further explained that the area was once a beach that had been on the rth eastern shore off Heart Pond. He showed a survey of the area. The Freeman Bike Path runs on the stern portion of the area and where Pond Street cuts thru the area. He proceeded to give a little history the area. In the past for many decades, the South Chelmsford Village Improvement Association (CVIA) owned the beach area. It was a membership beach, which had a parking lot and a few picnic bles. It is approximately two areas of land. There was a by-law in the past, which allowed Pond Street

be closed for the summer months. At which time the Town would bring in sand and form a beach area the road. At the end of the season, the sand would be plowed away and the street reopened. fortunately, approximately in 2004, there was a drowning and SCVIA was forced to sell beach area d to a private owner in 2006. The private owner approached the Town and asked that the Town rights he road be rescinded in order, which would then allow the land to go right up to the beach. The Town not agree to this. The by-law had been eliminated because the road provides public access from ton Road to Parkerville Road. When it is necessary, emergency vehicles will use it. The land is unct to the Freemen Bike Path, which makes it valuable, and a nice property for the Town to have. en though the bike path is yet open, local people have already taken advantage of it. This would be ectmen's land not Conservation. He went over the potential uses if the Town was to acquire it. In the ure recreate the public beach and picnic area. Provide additional parking for the bike path as well as beach when the time comes. CPA money could be used to build a stone gravel type parking lot. courage the area as a popular walking route. Provide canoe and kayak access. However, there are cerns that would need to be addressed such as powerboat usage, create a by-law which would not w this type of boat to be launched from the public area. Milfoil invasive. SCVIA over the years had nt quite a lot of money keeping this under control. He explained that if the Milfoil (which is a plant t is transfer from boat propellers to a body of water. If it became an issue CPA money could be used to ify the situation. Cut-though traffic issue particularly if the road was to be actually paved, designs ld be made that would provide parking and emergency access. However all of these concerns and any ers would be for future discussions in which the abutters would take part in if the Town was to obtain property. A 21E survey was done which is a pollution survey because of a service station in the area d everything was reported clean. He asked for any questions. Steve Mitchell questioned how much ney was in the CPA budget. Robert Morse said that the accounts had $126,700 for Open Space, 14,740 for Community Housing, $376,675 for Historic Preservation and $1,598,040 in the reserved for penditures, which is known as the 70% account. In addition to the balances in the accounts named, ney from this account can be used from this account if there is a need. $113,550 will be added to each the accounts for FY2010. Richard Maloney questioned how can a beach be provided if there is no ney for lifeguards. This will be a future use. The Manager explained that this would be a long term estment for the future. Frank Barre questioned if the water in the pond has been tested. Richard Day the Board of Health said yes it is and has bee tested for the last 20 years during the summer month. It been fine; it has a natural cleansing agent. And now with sewer connections going in the homes und the pond it can only get better. It would be a great recreational area of water front property for the wn to obtain. Maria Karafelis asked who maintains the road now. The Town does. Will there be any nage saying no swimming or motorboats this year? Yes there will be. Michael Combs questioned the ergency response time. The Manager said it would be the same as if it was a residential issue. Brian tina questioned if the abutters were notified that this discussion was taking place. Robert Morse said t directly however word of mouth and media stories have been reported. Brian Latina questioned if the wn had a liability policy in place. Town Counsel John Giorgio said that there are protections in the neral laws for towns with these types of issues. It is called Recreation Use Exemption. As long as the wn does not charge for the use of the property it would be exempt. As far as lifeguards it is a cretionary function therefore would not give rights to liability which is why it is recommended to post nage. Even when the time comes that lifeguards will be on site, signage will still be posted giving the ual hours or swim at your own risk. As long as this is followed it is his opinion that the Town would be empt.. Susan DanDaraw question if there were any future projects that the CPA had in mind. Robert orse said possibly the Garrison House may look for funding as well as the Cemetery Commissioners. e ongoing North Town Hall project may also come before the Committee. He said that there maybe r additional parcels of land for future purchases of open space. Patrick Hayes questioned how much property sold for in 2006. The amount was $375,000. The Finance Committee recommended the

o be closed for the summer months. At which time the Town would bring in sand and form a beach area n the road. At the end of the season, the sand would be plowed away and the street reopened. Unfortunately, approximately in 2004, there was a drowning and SCVIA was forced to sell beach area and to a private owner in 2006. The private owner approached the Town and asked that the Town rights o the road be rescinded in order, which would then allow the land to go right up to the beach. The Town did not agree to this. The by-law had been eliminated because the road provides public access from Acton Road to Parkerville Road. When it is necessary, emergency vehicles will use it. The land is djunct to the Freemen Bike Path, which makes it valuable, and a nice property for the Town to have. Even though the bike path is yet open, local people have already taken advantage of it. This would be Selectmen's land not Conservation. He went over the potential uses if the Town was to acquire it. In the uture recreate the public beach and picnic area. Provide additional parking for the bike path as well as he beach when the time comes. CPA money could be used to build a stone gravel type parking lot. Encourage the area as a popular walking route. Provide canoe and kayak access. However, there are oncerns that would need to be addressed such as powerboat usage, create a by-law which would not llow this type of boat to be launched from the public area. Milfoil invasive. SCVIA over the years had pent quite a lot of money keeping this under control. He explained that if the Milfoil (which is a plant hat is transfer from boat propellers to a body of water. If it became an issue CPA money could be used to atify the situation. Cut-though traffic issue particularly if the road was to be actually paved, designs ould be made that would provide parking and emergency access. However all of these concerns and any thers would be for future discussions in which the abutters would take part in if the Town was to obtain he property. A 21E survey was done which is a pollution survey because of a service station in the area nd everything was reported clean. He asked for any questions. Steve Mitchell questioned how much noney was in the CPA budget. Robert Morse said that the accounts had $126,700 for Open Space, $214,740 for Community Housing, $376,675 for Historic Preservation and $1,598,040 in the reserved for Expenditures, which is known as the 70% account. In addition to the balances in the accounts named, noney from this account can be used from this account if there is a need. $113,550 will be added to each f the accounts for FY2010. Richard Maloney questioned how can a beach be provided if there is no noney for lifeguards. This will be a future use. The Manager explained that this would be a long term nvestment for the future. Frank Barre questioned if the water in the pond has been tested. Richard Day f the Board of Health said yes it is and has bee tested for the last 20 years during the summer month. It as been fine; it has a natural cleansing agent. And now with sewer connections going in the homes round the pond it can only get better. It would be a great recreational area of water front property for the Town to obtain. Maria Karafelis asked who maintains the road now. The Town does. Will there be any ignage saying no swimming or motorboats this year? Yes there will be. Michael Combs questioned the mergency response time. The Manager said it would be the same as if it was a residential issue. Brian Latina questioned if the abutters were notified that this discussion was taking place. Robert Morse said ot directly however word of mouth and media stories have been reported. Brian Latina questioned if the Town had a liability policy in place. Town Counsel John Giorgio said that there are protections in the general laws for towns with these types of issues. It is called Recreation Use Exemption. As long as the Town does not charge for the use of the property it would be exempt. As far as lifeguards it is a discretionary function therefore would not give rights to liability which is why it is recommended to post signage. Even when the time comes that lifeguards will be on site, signage will still be posted giving the actual hours or swim at your own risk. As long as this is followed it is his opinion that the Town would be exempt.. Susan DanDaraw question if there were any future projects that the CPA had in mind. Robert Morse said possibly the Garrison House may look for funding as well as the Cemetery Commissioners. The ongoing North Town Hall project may also come before the Committee. He said that there maybe four additional parcels of land for future purchases of open space. Patrick Hayes questioned how much he property sold for in 2006. The amount was $375,000. The Finance Committee recommended the

ticle. The Board of Selectmen recommended the article. The Moderator asked if there was any need or debate. Hearing none, he asked for a vote by way of a show of hands. **Motion carried, nanimously**.

**UNDER ARTICLE 16.** No Action.

**UNDER ARTICLE 17.** Dwight Hayward moved that the Moderator waive the reading of the ticle. The Moderator asked for a vote on the motion by way of a show of hands. **Motion carried, nanimously.** The Town Manager asked that David McLachlan, Chairman of the Conservation ommission come forward and present the article. David McLachlan explained that the by-law before the ody was a major rewrite and revision of the by-law that was first adopted in 1982 and a major revision as done again in 1995. The Commission felt it was now necessary to bring it up to date with State egulations regarding River front restrictions which had never been incorporated into the Town's by-laws. ther reasons was to clarify the language, clarification regarding deliberation on wetland public hearings, evise sections that are already covered under the Conservation Regulations. Delete language that is no onger appropriate, and to make the administrative process less onerous. The language doesn't change the ntent; it will incorporate Massachusetts Association of Conservation Commissions' language. The Town s not allowed to have a by-law that is less restrictive then the State laws. However, the Town is allowed have more restrictions then State law if it so chooses. This by-law has been reviewed by the Attorney General's Office and has been adopted by other Towns. The Commission has eased up on a few estrictions which he explained. For instance currently a homeowner is not allowed to mow his grass ithin a hundred feet of a wetland without the permission of the Conservation Commission. The ommission will allow a waiver of limitation on construction where substantial hardship is proven. Prior y-law was just for allowing a building within 50 feet of the wetlands on a 40,000 square foot or greater t. Tom DiPasquale asked how the 50 ft wetlands by-law will affect the parking lot mentioned in the ond Street property. David McLachlan explained that last year the Town came before the Board seeking build a roadway within the 50 feet of the wetland and the Town was denied. So if a paved parking lot proposed there will be issues if it is built within 30 feet. There would be enough area for another ocation. Thomas Fall asked about the upcoming article regarding billboards. Isn't one of the proposed reas in wetlands? Yes, it was but until he sees the proposal he can't really address it. The Moderator sked for the Finance Committee's recommendation. The Committee had no recommendation for this rticle. The Board of Selectmen recommended the article. The Moderator asked if there was any debate. Marian Paresky expressed concern regarding the flooding of the Smith Street area in Town. She said that ot only those residents but any other resident who is affected with flooding should apply for an batement to the Assessors. She continued to make remarks about future meetings about flooding and the Moderator asked her to please make her point about the by-law and not to mention anything that doesn't oncern the by-law. The Moderator asked for a vote by way of a show of hands. He declared that the notion carried, unanimously. Thomas Fall made a point of order he said that he and his wife vote two ifferent ways so it could not be a unanimous vote. The Moderator thanked Thomas Fall and declared hat the vote was **motion carried.** The article reads as follows:

Town Manager Paul E. Cohen moved that the Town vote to amend The Town Code, by amending 'hapter 187, "Wetlands Bylaw", by replacing it with the following:

Chapter 187
WETLANDS

HISTORY: Adopted by the Annual Town Meeting of the Town of Chelmsford 5-8-1995 by Art. 18. ,mendments noted where applicable.]

GENERAL REFERENCES

'onservation Commission -- See Ch. 20.
oning -- See Ch. 195.
ubdivision of land -- See Ch. 202.



187-1. Purpose~~.~~

A. The purpose of ~~this chapter~~Chelmsford Bylaw, Chapter 187 ("Chapter") is to protect the 'etlands, water resources, flood prone areas, and adjoining upland areas ~~of~~in the Town of Chelmsford "Chelmsford") by controlling activities deemed by the Conservation Commission ("Commission") likely ) have a significant or cumulative effect on Resource Area values ~~upon wetland values,~~ including but not mited to the following: public or private water supply, groundwater supply, flood control, erosion and :dimentation control, storm damage prevention, water quality, prevention and control of water pollution ~~revention~~, fisheries, fresh water shellfisheries, ~~w~~Wildlife Habitat, Rare Species habitat, Agriculture, quaculture, recreation and aesthetics values deemed important to the community (collectively, the ~~nterests~~Values ~~p~~Protected by this ~~e~~Chapter" or "Values").

B. This Chapter is intended to utilize the Home Rule authority of Chelmsford so as to protect ie Resource Areas under the Wetlands Protection Act, G.L. Ch.131 §40 ("the Act") to a greater degree, ) protect additional Resource Areas beyond the Act recognized by Chelmsford as significant, to protect l Resource Areas for their additional values beyond those recognized in the Act, and to impose in the

ommission Regulations and permits additional standards and procedures stricter than those of the Act nd Act regulations, 310 CMR 10.00, subject, however, to the rights and benefits accorded to Agricultural ses and structures of all kinds under the laws of the Commonwealth of Massachusetts "Commonwealth") and other relevant Bylaw Chapters of Chelmsford.

187-~~2~~3. Definitions~~.~~

A. The following definitions shall apply in the interpretation and implementation of this Chapter:

ABUTTER(S) -- Includes owners of property immediately adjacent or directly opposite on ny public or private street or way, or across a ~~road or~~ water body ~~and~~ or in another municipality if within 00 feet of the boundary of the property where work is proposed.

AGRICULTURE -- shall be defined as provided by G.L. Ch. 128 §1A.

ALTER(ATION) -- Includes, without limitation, the following ~~actions~~ activities when ndertaken to, upon or within, or affecting Resource ~~a~~Areas subject to this ~~c~~Chapter:

(1) Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any ind.

(2) Changing of preexisting drainage ~~characteristics~~, flushing or flood storage haracteristics~~,~~; salinity distribution, sedimentation patterns~~,~~ or flow patterns. ~~and flood storage retention haracteristics.~~

(3) Drainage or other ~~d~~Disturbance of water level or water table.

(4) Dumping, discharging, or filling with any material or other activity which may egrade water quality in or out of ~~the Town of~~ Chelmsford.

(5) Driving of piles or erection, expansion or repairs of ~~b~~Buildings or structures of any ind.

(6) Placing of obstructions or objects~~, whether or not they interfere with the flow of~~ in vater.

(7) Destruction of plant life, including cutting of trees and shrubs.

(8) Changing of ~~water~~ temperature, biochemical oxygen demand or other physical, iological or chemical characteristics of ~~the~~ any waters.

(9) Any activities, changes, or work which may cause or tend to contribute to pollution of ny body of water or groundwater.

(10) Incremental activities which have, or may have, a cumulative adverse impact on the esource Areas protected by this Chapter.

~~APPLICANT -- A person giving notice of intent to build, remove, fill, dredge or alter.~~

~~AREAS SUBJECT TO PROTECTION -- Include the resource areas described in ~ 187-3 f this chapter.~~

BANK -- ~~That part of~~The land area which normally abuts and ~~adjoining any body of water hich~~ confines a~~the~~ water body~~.~~, the lower boundary being the mean annual low flow level, and the upper oundary being the first observable break in the slope of the mean annual flood level, whichever is higher.

BUFFER ZONE -- ~~That area of uplands within~~The lands out to a distance of 100 feet orizontally ~~outward from the boundary of a resource area.~~that adjoin the following: any freshwater etlands, marshes, wet meadows, bogs, swamps, Vernal Pools, springs, Banks, reservoirs, lakes, Ponds of ny size, beaches, lands under water bodies, intermittent streams, brooks and creeks.

BUILDING -- A structure enclosed within exterior walls or fire walls, built, erected and amed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for e shelter of persons, animals or property. For the purpose of this definition, "roof," shall include an wning or any similar covering, whether or not permanent in nature.

DISTURBANCE – Any activity that will change the natural condition of the land or Alter e characteristics of the land involving, but not limited to, land clearing, filling, grading, covering and umping.

~~INTERESTS PROTECTED BY THIS CHAPTER -- Includes public or private water upply, groundwater supply, flood control, erosion control, storm damage prevention, water pollution revention, fisheries, shellfish, wildlife habitat, recreation and aesthetics.~~

~~LAND UNDER WATER BODIES OR WATERWAYS and VERNAL POOL HABITAT -- As defined in 310 CMR 10.04.~~

~~LOWER FLOODPLAIN -- The area of land within the statistical ten-year flood or within 00 feet of the bank or boundary vegetated wetland, whichever is further from the water body or aterway.~~

~~MARSH, FRESHWATER WETLAND, SWAMP, WET MEADOW and BOG -- As efined in MGL c. 131, ~ 40. The boundary of these wetlands is the line within which 50% or more of the egetation consists of wetland plant species as set forth in MGL c. 131, ~ 40, and, in situations where a ispute exists, the line within which the soil conditions meet the technical criterion of a hydric soil as efined by the currently approved Army Corps of Engineers delineation manual. [Amended 10-21-1999 TM by Art. 48]~~

PARKING LOT/AREA -- An off-street area, including parking spaces, loading areas and l associated maneuvering areas such as aisles and driveways, serving as an accessory use for the parking f vehicles and available to the public as an accommodation for clients, customers or employees.

PERSON -- Includes any individual, group of individuals, association, partnership, orporation, company, business organization, trust, estate, the ~~c~~Commonwealth or a political subdivision hereof to the extent subject to ~~town~~ Chelmsford ~~b~~Bylaws, administrative agencies, public or quasi-public orporations or bodies, ~~the Town of~~ Chelmsford and any other legal entity, its legal representatives, gents or assigns.

POND – As defined in the Act regulations, 310 CMR 10.04, except that the size threshold f 10,000 square feet shall not apply.

RARE SPECIES -- Those vertebrate and invertebrate animal species and plant species fficially listed as endangered, threatened or of special concern by the Massachusetts Division of isheries and Wildlife under regulations 321 CMR ~~8~~10.00 ~~and those plant species listed as rare, hreatened or endangered by the Massachusetts Natural Heritage Program~~ regardless of whether the site in hich they occur has been previously identified by the Division.

RESOURCE AREA~~S~~(S) -- ~~The same as areas subject to protection.~~Areas that are resumed important to the protection of the Values of the Chapter including any freshwater wetlands, arshes, wet meadows, bogs, swamps, Vernal Pools, springs, Banks, reservoirs, lakes, Ponds of any size, eaches, lands under water bodies, intermittent streams, brooks and creeks; Buffer Zones; perennial vers, streams, brooks and creeks; the Riverfront Area; and lands subject to flooding or inundation by roundwater or surface water, whether or not they abut surface water.

~~RIVER -- As defined in MGL c. 131, § 40. [Added 3-27-2000 STM by Art. 4.]~~

RIVERFRONT AREA -- lands adjoining perennial rivers, streams, brooks and creeks out a distance of 200 feet.

VALUES PROTECTED BY THIS CHAPTER -- Includes public or private water supply, roundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water uality, water pollution prevention, fisheries, freshwater shellfisheries, Wildlife Habitat, Rare Species abitat, Agriculture, aquaculture, recreation and aesthetics.

VERNAL POOL -- shall include, in addition to scientific definitions found in the Act gulations, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas driveways which, at least in most years, holds water for a minimum of two continuous months during e spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free f adult predatory fish populations, and provides essential breeding and rearing habitat functions for mphibian, reptile or other Vernal Pool community species, regardless of whether the site has been rtified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the Resource Areas for ernal Pools shall be the mean annual high-water line defining the depression.

WILDLIFE -- All mammals, birds, reptiles, amphibians and ~~all~~ vertebrate and invertebrate imal species, except domesticated species.

~~WILDLIFE HABITAT -- Those areas subject to this chapter which, due to the plant ommunity composition and structure, hydrologic regime or other characteristics, provide important food, helter and migratory travel or overwintering areas or breeding areas for wildlife.~~

B. The Commission may adopt additional definitions ~~not in~~consistent with this ~~section of this~~ Chapter.

C. Except as otherwise provided in this Chapter or in Commission Regulations, the efinitions of terms and the procedures in this Chapter shall be as set forth in the Act and Act regulations, 10 CMR 10.00.

187-~~3~~2. ~~Protection of resource areas~~ Jurisdiction~~.~~

A. Except as permitted by the ~~Conservation~~ Commission or as provided in this ~~e~~Chapter, no Person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise ~~a~~Alter e following ~~r~~Resource ~~a~~Areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, ~~v~~Vernal Pools, springs, ~~b~~Banks, reservoirs, lakes, ~~p~~Ponds of any size, ~~rivers.~~beaches, lands under water bodies; termittent streams, brooks and creeks~~.~~; Buffer Zones; perennial rivers, streams, brooks and creeks; the iverfront Area; lands subject to flooding or inundation by groundwater or surface water.~~beaches, lands nder water bodies or lands within 100 feet of the aforesaid resource areas or lands within the one-undred-year floodplain, either calculated or mapped (collectively the "areas subject to protection by this hapter").~~ Said ~~r~~Resource ~~a~~Areas shall be protected whether or not they border surface waters.

B. The jurisdiction of this Chapter shall not extend to uses and structures of Agriculture that joy the rights and privileges of laws and regulations of the Commonwealth governing Agriculture, cluding work performed for normal maintenance or improvement of land in Agricultural or aquacultural ses as defined by the Act regulations, 310 CMR 10.04.

~~187-4~~187-5. Limitations on ~~e~~Construction and Disturbance~~.~~

A. The construction of any ~~B~~building, as defined herein, on any lot having an area of 40,000 quare feet or more ~~or any parking lot containing 10 or more parking spaces~~ shall be prohibited within 50 et of any ~~r~~Resource ~~a~~Area excluding Buffer Zones, Riverfront Area and lands subject to flooding or undation by groundwater or surface water. The ~~Conservation~~ Commission may, at its discretion, ~~exempt~~ low a shed, playhouse or other structure ~~from this definition,~~; provided that it is built on footings quiring no more than four square feet cumulative ground ~~d~~Disturbance and has a footprint no larger than 44 square feet. ~~For the purposes of this chapter, a parking lot shall be defined as a paved area containing 0 or more parking spaces. The term "parking lot" shall not be interpreted to include drives, fire lanes or her appurtenances. Any such drives, fire lanes or appurtenances shall be clearly marked `no parking'. arking areas which provide fewer than 10 parking spaces shall not be subject to ~ 187-4. [Amended 3-7-2000 STM by Art. 4]~~

B. The construction of any Parking Lot/Area including 10 or more parking spaces shall be ohibited within 50 feet of any Resource Area excluding Buffer Zones, Riverfront Area and lands subject flooding or inundation by groundwater or surface water. Any drives, fire lanes or appurtenances shall e clearly marked "No Parking".

~~C. The Commission shall be prohibited from issuing a permit for any parcel where at least 0% of the lot area required by Chapter 195, Zoning, Table of Dimensional Requirements, Minimum Lot equirements, is not contiguous land other than that under any water body or bog, swamp, wet meadow, arsh or any other wetland as defined in MGL c. 131, ~ 40. The Commission may, at its discretion, issue permit for a parcel which qualifies as a grandfathered lot under MGL c. 40A, ~ 6, if it specifically finds at the interests of this chapter are protected. [Amended 3-27-2000 STM by Art. 4]~~

~~E~~C. The construction of~~Commission shall not allow~~ any impervious surface shall be prohibited ithin ~~25~~ 30 feet of any ~~r~~Resource ~~a~~Area excluding Buffer Zones, Riverfront Area and lands subject to ooding or inundation by groundwater or surface water. ~~The Commission may waive this requirement if specifically finds that the interests of this chapter are protected. [Added 3-27-2000 STM by Art. 4]~~

D. The Disturbance of any area shall be prohibited within 25 feet of any Resource Area cluding Buffer Zones, Riverfront Area and lands subject to flooding or inundation by groundwater or rface water.

~~B~~E. The reconstruction, alteration, extension or structural change of a ~~b~~Building existing on or fore October 15, 1990, shall be exempt from the provisions of ~~(A)~~187-5.A ~~above;~~. ~~h~~However, said ork shall require approval from the Commission if within its jurisdiction. **~~[Amended 5-7-08 ATM by rt 19]~~**

~~D~~F. The Commission may waive ~~the fifty-foot construction prohibition contained~~ any ovisions of 187-5, Limitations on Construction and disturbance, ~~herein~~ where the Commission ecifically finds that literal enforcement of the ~~prohibition~~ provision would involve ~~substantial~~ monstrated substantial hardship~~, financial or otherwise,~~ to an applicant and that desirable relief may be anted without substantial detriment to the public good and without nullifying or substantially derogating om the intent or purpose of this ~~e~~Chapter. ~~[Amended 10-21-1999 ATM by Art. 48]~~

187-~~5~~4. Exemptions and Exceptions~~.~~

The applications and permits required by ~~T~~this ~~e~~Chapter shall not be required for~~apply to the llowing types of projects~~:

~~C~~A. Work performed for normal maintenance or improvement of lands in ~~a~~Agricultural and uacultural use as defined by the Act regulations, 310 CMR 10.04.~~at the time the work occurs.~~

~~A~~B. ~~Work required for the m~~Maintenaining~~ee~~, repairing, or replacing~~ement~~, but not ~~the~~ bstantially changing or enlarging, ~~of~~ an existing and lawfully located structure or facility used in the rvice of the public ~~and used~~ to provide electric, gas, water, telephone, telegraph ~~and~~ or other ecommunications services~~.~~, provided that written notice has been given to the Commission prior to mmencement of work and that the work conforms to any performance standards and design ecifications in regulations adopted by the Commission.

~~B~~C. Emergency projects ~~as defined in MGL c. 131, ~ 40, which are~~ necessary for the protection the health and safety of the ~~citizens of the commonwealth~~ public, provided that the work is ~~and~~ to be rformed by or has been ordered ~~to be performed~~ by an agency of the ~~e~~Commonwealth or~~of the town.~~ its

olitical subdivision; that advance notice, oral or written, has been given to the Commission prior to or ithin twenty- four (24) hours after commencement of work; that the Commission or its agent certifies e work as an emergency project; that the work is performed only for the time and place certified by the ommission for the limited purposes necessary to abate the emergency; and that within twenty-one (21) ays of commencement of an emergency project a permit application shall be filed with the Commission r review.. Upon failure to meet these and other requirements of the Commission, the Commission may, fter notice and a public hearing, revoke or modify an emergency project approval and order restoration d mitigation measures. ~~An emergency project may be any project certified to be an emergency by the ommission or its authorized agent.~~

D. Minor activities as specified in the Commission Regulations within the Buffer Zone or iverfront Area, provided the activity is not within any other Resource Area.

E. Other than stated in this Chapter and the Commission Regulations, the exceptions provided the Act and Act regulations, 310 CMR 10.00 shall not apply.

~~187-6. Determination of applicability.~~

~~A.~~187-6.C Any ~~p~~Person desiring to know whether a proposed activity or an area is subject to is Chapter may request in writing a determination from the ~~Conservation~~ Commission. ~~to make a etermination as to whether or not this chapter applies to a particular area of land.~~ Such a Request for etermination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) led under the Act shall include information and plans as are deemed necessary by the Commission.

~~B. This request shall be sent by certified mail or hand delivered to the Commission or its thorized representative. If the applicant is other than the owner, the applicant shall send a copy of the quest to the owner. If the applicant hand delivers the request to the Commission, he/she shall be given a ted receipt.~~

~~C. The Commission shall determine, within 21 days of receipt of such request, whether this apter does apply to the particular area of land. The Commission will send to the applicant a termination of applicability.~~

~~D. The determination of applicability will be sent to the applicant by certified mail. If the plicant is other than the owner, the Commission will send a copy of the determination to the owner by rtified mail.~~

187-~~7~~6. Applications ~~for permit~~ and Fees. ~~[Amended 3-27-2000 STM by Art. 4]~~

A. ~~If the particular area of land is subject to this chapter, then the applicant must file an plication for permit.~~ Written application shall be filed with the Commission to perform activities fecting Resource Areas. Thi~~s~~e permit application ~~for permit will be on a form available from the ommission. Said application for permit~~ shall include such information and plans ~~and specifications as quired of an applicant under MGL c. 131, § 40, as of July 28, 1978, and as amended, and such other formation~~ as are deemed necessary by the Commission to describe proposed activities and their effects

n the Resource Area. may require. These plans will clearly show the location of wetland boundaries and umbered wetlands flags. Said numbered flags shall correspond to flags in the field. No activities shall ommence except as explicitly permitted in writing by the Commission.

B.B. The application for permit may be filed before other permits, variances and approvals equired under other town bylaws, the Subdivision Control Law[1] or regulations have been obtained. The ommission in an appropriate case may accept as the application and plans under this Chapter any pplication and plans filed under the Act and Act regulations, 310 CMR 10.00, but the Commission is not bliged to do so.

CD. At the time of anThe application the applicant shall pay a non refundable fee as specified n the Commission Regulations. for permit shall be accompanied by a check for the amount of the filing e (see filing fees).[2] No filing fee is required when the Town of Chelmsford files an application for ermit. The fee is in addition to that required by the Act and Act regulations.

E. Pursuant to G.L. Ch. 44 §53G and the Commission Regulations, the Commission may npose reasonable fees upon applicants for the purpose of securing outside consultants, including ngineers, wetlands scientists, Wildlife biologists or other experts in order to aid in the review of roposed projects

D. Each application for permit shall be sent by certified mail or shall be hand delivered to the onservation Commission or its authorized representative. A person delivering an application for permit y hand shall be given a dated receipt.

187-87. Notice andPublic hHearings . [Amended 3-27-2000 STM by Art. 4]

187-7.EA. Any pPerson filing an permit application for permit or ANRAD with the ommission shall at the same time shall give written notificationce thereof, by delivery in hand or ertified mail, (return receipt requested) or hand delivered , to all aAbutters and abutters to aAbutters ithin 300 feet of the property line of the applicantland where the activity is proposed, at their mailing ddresses shown on the most recent applicable tax list of the Aassessors., including but not limited to wners of land directly opposite said proposed activity on any public or private street or way, and in nother municipality or across a body of water. Said notification shall be at the applicant's expense. The otice shall state a brief description of the project or other proposaland shall state where copies of the pplication for permit may be examined and obtained, and where information regarding the date, time and lace of the public any Commission hearing or meeting date if known. The notice to Abutters also shall nclude a copy of the application or request, with plans, or shall state where copies may be examined or btained by Abutters., and shall include all available information regarding the date, time and place of the ublic hearing. Proof of said notification An affidavit of the Person providing such notice, with a copy of e application for permit notice mailed or delivered, shall be filed with the Conservation Commission.

B. The Commission shall hold a public hearing on the any permit application, RDA, or NRAD within 21 days of the filing of the application for permit. with written Nnotice of the date, time

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[1] Editor's Note: See Ch. 202, Subdivision of Land.

[2] Editor's Note: See § 187-19, Fee schedule.

~~nd place of the hearing shall be~~ given ~~by the Commission,~~ at the expense of the applicant, ~~not less than~~ at ~~east~~ five (5) business days prior to the hearing~~, by publication,~~ in a newspaper of general circulation in helmsford and by mailing a notice to the applicant. When the applicant is other than the owner, the equest and the notice of the hearing shall be sent by the applicant to the owner. An affidavit of the erson providing such notice, with a copy of the notice mailed or delivered, shall be filed with the ommission.

C. The Commission shall commence the public hearing within twenty-one (21) days from ceipt of a completed permit application, RDA, or ANRAD unless an extension is authorized in writing y the applicant.

D. The Commission, in an appropriate case, ~~Such hearing~~ may combine its hearing under this hapter with ~~be held at the same time and place as any public~~the hearing ~~required to be held~~ conducted nder the Act ~~MGL c. 131, ~ 40~~ and the Act regulations, 310 CMR 10.00.

E. The Commission may continue the hearing to a date announced at the hearing for reasons ated at the hearing. ~~If the Commission determines that~~ These may include the need for additional ~~data or~~ formation from the applicant or others as deemed ~~is~~ necessary by the Commission in its discretion and ased on comments and recommendations of the boards and officials indicated in Section ~ 187-8.~~, the earing may be continued to a future date.~~

F. The Commission shall issue its permit, other order or determination in writing within venty-one (21) days of the close of the public hearing unless an extension is authorized in writing by the pplicant.

187-8. Coordination with Other Boards

The Commission may solicit the advice and opinions of appropriate Boards, Departments and own Officials. Each shall be entitled to file written comments and recommendations with the ommission at least three (3) days before the hearing. The Commission shall take these comments and commendations into account, but may not be bound by them. The applicant shall have the right to ceive any such comments and recommendations, and respond to them at the hearing.

187-9. Burden of ~~p~~Proof

The applicant shall have the burden of proving by preponderance of the credible evidence that the ork proposed in the permit application will not have unacceptable significant or cumulative~~harm~~ effect on the ~~interests~~Values ~~p~~Protected by this ~~c~~Chapter. Failure to provide adequate evidence to the ommission supporting this burden~~a determination that the proposed work will not harm the interests otected by this chapter~~ shall be sufficient cause for the Commission to deny a permit or grant a permit ith conditions. ~~or, in the Commission's discretion, to continue the hearing to another date to enable the plicant or others to present additional evidence upon such terms and conditions as seem to the ommission to be reasonable.~~

187-10. Permits and Conditions~~. [Amended 3-27-2000 STM by Art. 4]~~

A. If after ~~said~~ a public hearing the ~~Conservation~~ Commission determines that the ~~land on hich the proposed work is to be done is significant to the interests protected by this chapter, it shall, by ritten order,~~ activities in the permit application, or the land and water uses which will result there from e likely to have a significant individual or cumulative effect on the Resource Area values, the ommission shall issue or deny a permit for the activities requested within twenty-one (21) days of the ose of the hearing. ~~or such further time as the Commission and applicant shall agree upon, impose such onditions reasonably necessary for the protection of interests described herein, and all work shall be done accordance therewith.~~ The Commission shall take into account the extent to which the applicant has voided, minimized and mitigated any such effect. The Commission also shall take into account any loss, egradation, isolation, and replacement or replication of such protected Resource Areas elsewhere in the ommunity and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, nd foreseeable future activities.

B. If it issues a permit, ~~T~~the ~~Conservation~~ Commission ~~may~~ shall impose ~~such~~ conditions ~~on ny proposed removing, dredging, filling or altering as it~~ which the Commission deems necessary or esirable to protect Resource Area values~~and preserve the interests covered by this chapter. Such permit hall be in writing and may be subject to the same constraints as any such order issued by the Chelmsford onservation Commission under the provisions of MGL c. 131, ~ 40, or successor statutes, and shall be sued within 21 days after the public hearing.~~ All activities shall be conducted in accordance with those onditions.

~~~ 187-11. Denial.~~C. Where no conditions are adequate to protect Resource Area values, ~~T~~the ommission is empowered to deny ~~permission for any removal, dredging, filling or altering on subject nds within the town if, in its judgment, such denial is necessary to protect the interest of this chapter~~ a ermit application for failure to meet the requirements of this Chapter. It may also deny a permit plication for failure to submit necessary information and plans requested by the Commission; for failure comply with the procedures, design specifications, performance standards, and other requirements in e regulations of the Commission; or for failure to avoid, minimize or mitigate unacceptable significant cumulative effects upon the Resource Area values.

D. In reviewing activities within the Buffer Zone, the Commission shall presume the Buffer one is important to the protection of other Resource Areas because activities undertaken in close oximity have a high likelihood of adverse impact either immediately, as a consequence of construction over time, as a consequence of daily operation or existence of the activities. These adverse impacts can clude, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss Wildlife Habitat.

E. In reviewing activities within the Riverfront Area, the Commission shall presume the iverfront Area is important to all the Values Protected by this Chapter unless demonstrated otherwise. o permit issued hereunder shall allow any activities unless the applicant, in addition to meeting the plicable requirements of this Chapter, has proved by a preponderance of the evidence that there is no acticable alternative to the proposed project with less adverse effects, and that such activities, including oposed mitigation measures, will have no significant adverse impact on the areas or values protected by is Chapter. The Commission shall regard as practicable an alternative which is reasonably available and pable of being done after taking into consideration the proposed property use, overall project purpose
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e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the lternatives, and overall project costs.

F. To prevent Resource Area loss, the Commission shall require applicants to avoid lteration wherever feasible; to minimize Alteration; and, where Alteration is unavoidable and has been inimized, to provide full mitigation. The Commission may authorize or require replication of wetlands s a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate ecurity, and professional monitoring and reporting to assure success, because of the high likelihood of ailure of replication.

G. The Commission may require a Wildlife Habitat study of the project area pursuant to 187-6.E be paid for by the applicant, whenever it deems appropriate, regardless of the type of Resource Area or e amount or type of Alteration proposed. The decision shall be based upon the Commission's estimation f the importance of the habitat area considering, but not limited to, such factors as proximity to other eas suitable for Wildlife, importance of Wildlife "corridors" in the area, or actual or possible presence f rare plant or animal species in the area. The work shall be performed by an individual who at least eets the qualifications set out in the Wildlife Habitat section of the Act regulations, 310 CMR 10.60.

H. The Commission shall presume that Vernal Pools including their Buffer Zone perform sential habitat functions. This presumption may be overcome only by the presentation of credible idence which, in the judgment of the Commission, demonstrates that the basin or depression does not ovide essential habitat functions. Any formal evaluation should be performed by an individual who at ast meets the qualifications under the Wildlife Habitat section of the Act regulations, 310 CMR 10.60.

~~(1)~~I. A~~Such~~ permit, Determination of Applicability (DOA), or Order of esource Area Delineation (ORAD) shall expire three (3) years from the date of issuance. otwithstanding the above, the Commission in its discretion may issue a permit expiring five (5) years om the date of issuance for recurring or continuous maintenance work, provided that annual notification the time and location of work is given to the Commission. ~~The Conservation Commission may extend a~~ ny permit may be renewed once ~~one or more periods of~~ for up to an additional three (3) years~~ each~~ riod~~.~~, provided that a ~~The~~ request for a~~n~~ renewal~~extension shall be made to the Conservation ommission,~~ is received in writing by the Commission~~, at least~~ thirty (30) days prior to expiration~~ of the rmit. The Commission may deny the request for an extension and require the filing of a new application r permit for the remaining work.~~ Notwithstanding the above, a permit may identify requirements which all be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, d shall apply to all present and future owners of the land.

J. For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, termination or other decision issued under this Chapter after notice to the holder, the public, Abutters, wn boards and a duly conducted public hearing.

K. Amendments to permits, DOA's, or ORAD's shall be handled in the manner set out in the Act gulations and policies.

L. The Commission in an appropriate case may combine the decision issued under this Chapter th the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Act and Act gulations.

~~(2)~~M. No ~~proposed~~ work proposed in any application~~governed by a permit~~ shall e undertaken until ~~all~~a permit~~s, approvals and variances required by the local bylaw have been obtained nd all applicable appeal periods have expired.~~ or ORAD issued by the Commission with respect to such ork has been recorded in the Registry of Deeds; or, if the land affected is registered land, in the registry ction of the Land Court for the district wherein the land lies, and until the holder of the permit certifies writing to the Commission that the document has been recorded. If the applicant fails to perform such cording, the Commission may record the documents itself and require the Applicant to furnish the cording fee, either at the time of recording or as a condition precedent to the issuance of a COC.

~~187-12. State statutes and regulations.~~

~~The Commission shall not impose additional or more stringent conditions pursuant to MGL c. 131, ~ 40 an it imposes pursuant to this chapter, nor shall it require a notice of intent pursuant to MGL c. 131, ~ ) to provide materials or data in addition to those required pursuant to this chapter. All reference in this apter to MGL c. 131, ~ 40 shall include the provisions of regulations promulgated pursuant to said atute as codified in 310 CMR 10.00.~~

~~187-13. Additional information.~~

~~At any time up to the closing of the hearing, the Commission may require such additional information om the applicant as the Commission reasonably deems necessary.~~

187-13~~14~~. ~~Right of entry~~Enforcement

A. No Person shall remove, fill, dredge, build upon, degrade, or otherwise Alter Resource Areas otected by this Chapter, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or herwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an forcement order issued pursuant to this Chapter.

~~187-14. Right of entry~~B. The Commission, its agents, officers and employees shall have the thority to~~may~~ enter upon privately owned land for the purpose of performing their duties under this hapter and may make or cause to be made such examinations, surveys, or sampling as the Commission ems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

C. The Commission shall have authority to enforce this Chapter, its regulations, and permits sued by letters, phone calls, electronic communication and other informal methods, violation notices, n-criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any Person who olates provisions of this Chapter may be ordered to restore the property to its original condition and take ner action deemed necessary to remedy such violations, or may be fined, or both.

~~187-15. Recording. [Amended 3-27-2000 STM by Art. 4]~~

~~Both the original order of conditions and a certificate of compliance with this order shall be recorded th the Registry of Deeds in Lowell for the property defined in the order. Evidence certifying that cording has been done must be returned to the Commission before work begins.~~

~~187-16. Preacquisition violation.~~

187-13. D. Any ~~p~~Person who purchases, inherits or otherwise acquires real estate upon which ork has been done in violation of the provisions of this ~~c~~Chapter or in violation of any permit issued rsuant to this ~~c~~Chapter shall forthwith comply with any such order to restore such land to its condition ior to any violation; provided, however, that no action, civil or criminal, shall be brought against such Person unless commenced within three (3) years following the date of acquisition of the real estate by ch ~~p~~Person.

87-14. Appeals

A decision of the Commission shall be reviewable in the Superior Court in accordance with G.L. 1. 249 §4.

~~187-17. Legal action.~~

~~The Board of Selectmen shall, upon the request of the Conservation Commission, instruct Town Counsel take such legal action as may be necessary to restrain a violation of this chapter and enforce the orders the Commission hereunder, and the Town Counsel shall forthwith comply with such instructions.~~

187-~~18~~11. ~~Rules and r~~Regulations~~.~~

A. After ~~due~~ public notice and public hearing, the Commission ~~may promulgate~~ shall establish les and regulations to ~~effectuate~~ carry out the purposes of this ~~c~~Chapter, effective when voted and filed th the Town Clerk. Failure by the Commission to ~~promulgate~~ issue such rules and regulations or a gal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Chapter. At a minimum these regulations shall reiterate the terms defined in this Chapter, define ditional terms not inconsistent with the Chapter, and impose specific filing and consultant fees.

B. The Commission may establish, in its regulations, design specifications, performance ndards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and her work limits for protection of such lands, including without limitation strips of continuous, disturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it ay be disturbed without harm to the values protected by the Chapter.

~~187-19. Fee schedule.~~

~~A. Rules.~~

~~(1) Permit fees are payable at the time of application and are nonrefundable.~~

~~(2) Town, county, state or federal projects are exempt from fees.~~

~~B. Fees.~~

~~(1) The Commission may adopt and impose project review charges in accordance with gulations promulgated pursuant to its authority under Massachusetts General Laws.~~

~~(2) In addition, if the Commission deems it necessary to obtain an independent gineering review, the cost of obtaining adequate engineering and environmental information shall be rne by the applicant. This cost must be paid by the applicant prior to the issuance of an order of nditions or the Commission will render the application incomplete.~~

187-~~20~~12. Security~~.~~

As part of a permit issued under this Chapter, in addition to any security required by any other unicipal or state board, agency or official, ~~T~~the Commission may require ~~as a permit condition~~ that the rformance and observance of ~~other~~ the conditions imposed including conditions requiring mitigation ork be secured wholly or in part by one or both of the ~~following~~ methods described below:

A. By a proper bond, ~~or~~ deposit of money or negotiable securities under a written third party crow arrangement or other undertaking of financial responsibility ~~in an amount determined by the mmission to be~~ sufficient in the opinion of the Commission, to be released in whole or in part upon the suance of a COC for work performed pursuant to the permit. ~~to secure performance of conditions and servance of the safeguards of such order of conditions and payable to the Town of Chelmsford upon fault.~~

B. By accepting a conservation restriction, easement or by a covenant, enforceable in a court law, executed and duly recorded by the owner of record, running with the land to the benefit of helmsford~~,~~ whereby the permit conditions ~~and safeguards included in such order of conditions~~ shall be rformed and observed before any lot may be conveyed other than by mortgage deed. This method shall used only with the consent of the applicant.

~~187-21. Violations and penalties. [**Amended 5-7-08 ATM by Art 18**]~~

187-13.E Any ~~p~~Person who violates any provision of this ~~c~~Chapter or of any conditions of a rmit issued pursuant to it ~~shall~~ may be punished in accordance with Chelmsford General Code, Chapter Article II, § 1-2 "Non-Criminal Disposition". ~~of the general Code.~~ Each day or portion thereof during hich a violation continues shall constitute a separate offense. This ~~c~~Chapter may be enforced by the mmission, Conservation ~~a~~Agent or designee of the ~~Conservation~~ Commission, a town Police Officer or her officer having police powers. Upon request of the Commission, the Board of ~~s~~Selectmen and own Counsel shall take such legal action as may be necessary to enforce this ~~c~~Chapter and permits sued pursuant to it.

~~187-22. Wildlife habitat evaluation.~~

~~A. Measuring adverse effects on wildlife habitat.~~

~~(1) To the extent that a proposed project will alter vernal pool habitat or will alter other ldlife habitat, such alterations may be permitted only if they will have no adverse effects on wildlife or rnal habitat. Adverse effects on wildlife or vernal habitat shall mean the alteration of any habitat aracteristic, such as food, shelter and migratory, breeding and overwintering areas, insofar as such eration will, following two growing seasons of project completion and thereafter (or, if a project would minate trees, upon the maturity of replanted saplings), substantially reduce its capacity to provide portant wildlife and vernal habitat functions. Such performance standards, however, shall not apply to habitat of rare species. All projects that may impact on rare species must apply through the assachusetts Natural Heritage and Endangered Species Program at least 90 days prior to the filing of a tice of intent.~~

~~(2) An evaluation by the applicant of whether a proposed project will have an adverse ect on wildlife habitat beyond permissible thresholds shall be performed by an individual with at least a asters degree in wildlife biology or ecological science from an accredited college or university or other mpetent professional with at least two years' experience in wildlife habitat evaluation.~~

~~(3) Any wildlife habitat management practices conducted by the Division of Fisheries d Wildlife and any wildlife management practices of any individual or organization, if reviewed and proved in writing by said Division, shall be presumed to have no adverse effect on wildlife habitat. ch presumption is rebuttable and may be overcome by a clear showing to the contrary.~~

~~B. Wildlife habitat characteristics of inland resource areas.~~

~~(1) Banks. The topography, soil structure and plant community composition and ucture of banks can provide the following important wildlife habitat functions: food, shelter and gratory, breeding and overwintering areas for wildlife.~~

~~(2) Land under water bodies or waterways. The plant community and soil composition d structure, hydrologic regime, topography and water quality of land under water bodies or waterways a provide the following important wildlife habitat functions: food, shelter, breeding areas and erwintering areas for wildlife.~~

~~(3) Vernal pool habitat. The topography, soil structure, plant community composition d structure and hydrologic regime of vernal pool habitat can provide the following important wildlife bitat functions: food, shelter and migratory, breeding and overwintering areas for wildlife.~~

~~(4) Lower floodplains. The hydrologic regime, plant community and soil composition d structure, topography and proximity to water bodies and waterways of lower floodplains can provide following important wildlife habitat functions: food, shelter and migratory, overwintering and eeding areas for wildlife.~~

187-~~23~~15. Severability~~.~~

The invalidity of any section or provision of this eChapter shall not invalidate any other section or ovision thereof, nor shall it invalidate any permit, approval or determination~~order of conditions~~ which s previously has been issued.~~become final.~~

**l following text is for historical purposes. It shows the Wetland By-law with all changes voted orporated.**

ISTORY: Adopted by the Annual Town Meeting of the Town of Chelmsford 5-8-1995 by Art. 18. rendments noted where applicable.]

GENERAL REFERENCES

cservation Commission -- See Ch. 20.
cing -- See Ch. 195.
udivision of land -- See Ch. 202.



37-1. Purpose

A. The purpose of Chelmsford Bylaw, Chapter 187 ("Chapter") is to protect the wetlands, er resources, flood prone areas, and adjoining upland areas in the Town of Chelmsford ("Chelmsford") y controlling activities deemed by the Conservation Commission ("Commission") likely to have a ificant or cumulative effect on Resource Area values including but not limited to the following: ulic or private water supply, groundwater supply, flood control, erosion and sedimentation control, m damage prevention, water quality, prevention and control of water pollution, fisheries, fresh water lfisheries, Wildlife Habitat, Rare Species habitat, Agriculture, aquaculture, recreation and aesthetic ies deemed important to the community (collectively, the "Values Protected by this Chapter" or lues").

B. This Chapter is intended to utilize the Home Rule authority of Chelmsford so as to protect Resource Areas under the Wetlands Protection Act, G.L. Ch.131 §40 ("the Act") to a greater degree, rotect additional Resource Areas beyond the Act recognized by Chelmsford as significant, to protect Resource Areas for their additional values beyond those recognized in the Act, and to impose in the nmission Regulations and permits additional standards and procedures stricter than those of the Act Act regulations, 310 CMR 10.00, subject, however, to the rights and benefits accorded to Agricultural

es and structures of all kinds under the laws of the Commonwealth of Massachusetts Commonwealth") and other relevant Bylaw Chapters of Chelmsford.

187-3. Definitions

A. The following definitions shall apply in the interpretation and implementation of this apter:

ABUTTER(S) -- Includes owners of property immediately adjacent or directly opposite on y public or private street or way, or across a water body or in another municipality if within 300 feet of boundary of the property where work is proposed.

AGRICULTURE -- shall be defined as provided by G.L. Ch. 128 §1A.

ALTER(ATION) -- Includes, without limitation, the following activities when undertaken upon or within, or affecting Resource Areas subject to this Chapter:

(1) Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any nd.

(2) Changing of preexisting drainage, flushing or flood storage characteristics; linity distribution, sedimentation patterns or flow patterns.

(3) Drainage or other Disturbance of water level or water table.

(4) Dumping, discharging, or filling with any material or other activity which may grade water quality in or out of Chelmsford.

(5) Driving of piles or erection, expansion or repairs of Buildings or structures of any nd.

(6) Placing of obstructions or objects in water.

(7) Destruction of plant life, including cutting of trees and shrubs.

(8) Changing of temperature, biochemical oxygen demand or other physical, biological chemical characteristics of any waters.

(9) Any activities, changes, or work which may cause or tend to contribute to pollution of y body of water or groundwater.

(10) Incremental activities which have, or may have, a cumulative adverse impact on the source Areas protected by this Chapter.

BANK -- The land area which normally abuts and confines a water body, the lower undary being the mean annual low flow level, and the upper boundary being the first observable break the slope of the mean annual flood level, whichever is higher.

BUFFER ZONE -- The lands out to a distance of 100 feet horizontally that adjoin the following: any freshwater wetlands, marshes, wet meadows, bogs, swamps, Vernal Pools, springs, Banks, reservoirs, lakes, Ponds of any size, beaches, lands under water bodies, intermittent streams, brooks and creeks.

BUILDING -- A structure enclosed within exterior walls or fire walls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof," shall include an awning or any similar covering, whether or not permanent in nature.

DISTURBANCE – Any activity that will change the natural condition of the land or Alter the characteristics of the land involving, but not limited to, land clearing, filling, grading, covering and dumping.

PARKING LOT/AREA -- An off-street area, including parking spaces, loading areas and associated maneuvering areas such as aisles and driveways, serving as an accessory use for the parking of vehicles and available to the public as an accommodation for clients, customers or employees.

PERSON -- Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or a political subdivision thereof to the extent subject to Chelmsford Bylaws, administrative agencies, public or quasi-public corporations or bodies, Chelmsford and any other legal entity, its legal representatives, agents or assigns.

POND – As defined in the Act regulations, 310 CMR 10.04, except that the size threshold of 10,000 square feet shall not apply.

RARE SPECIES -- Those vertebrate and invertebrate animal species and plant species officially listed as endangered, threatened or of special concern by the Massachusetts Division of Fisheries and Wildlife under regulations 321 CMR 10.00 regardless of whether the site in which they occur has been previously identified by the Division.

RESOURCE AREA(S) -- Areas that are presumed important to the protection of the Values of the Chapter including any freshwater wetlands, marshes, wet meadows, bogs, swamps, Vernal Pools, springs, Banks, reservoirs, lakes, Ponds of any size, beaches, lands under water bodies, intermittent streams, brooks and creeks; Buffer Zones; perennial rivers, streams, brooks and creeks; the Riverfront Area; and lands subject to flooding or inundation by groundwater or surface water, whether or not they abut surface water.

RIVERFRONT AREA -- lands adjoining perennial rivers, streams, brooks and creeks out to a distance of 200 feet.

VALUES PROTECTED BY THIS CHAPTER -- Includes public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution prevention, fisheries, freshwater shellfisheries, Wildlife Habitat, Rare Species Habitat, Agriculture, aquaculture, recreation and aesthetics.

VERNAL POOL -- shall include, in addition to scientific definitions found in the Act regulations, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas

driveways which, at least in most years, holds water for a minimum of two continuous months during spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free adult predatory fish populations, and provides essential breeding and rearing habitat functions for phibian, reptile or other Vernal Pool community species, regardless of whether the site has been tified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the Resource Areas for rnal Pools shall be the mean annual high-water line defining the depression.

WILDLIFE -- All mammals, birds, reptiles, amphibians and vertebrate and invertebrate mal species, except domesticated species.

B. The Commission may adopt additional definitions consistent with this Chapter.

C. Except as otherwise provided in this Chapter or in Commission Regulations, the initions of terms and the procedures in this Chapter shall be as set forth in the Act and Act regulations, 0 CMR 10.00.

87-2. Jurisdiction

A. Except as permitted by the Commission or as provided in this Chapter, no Person shall mmence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise Alter the following source Areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, Vernal Pools, springs, nks, reservoirs, lakes, Ponds of any size, beaches, lands under water bodies; intermittent streams, oks and creeks; Buffer Zones; perennial rivers, streams, brooks and creeks; the Riverfront Area; lands ject to flooding or inundation by groundwater or surface water. Said Resource Areas shall be tected whether or not they border surface waters.

B. The jurisdiction of this Chapter shall not extend to uses and structures of Agriculture that oy the rights and privileges of laws and regulations of the Commonwealth governing Agriculture, luding work performed for normal maintenance or improvement of land in Agricultural or aquacultural s as defined by the Act regulations, 310 CMR 10.04.

87-5. Limitations on Construction and Disturbance

A. The construction of any Building, as defined herein, on any lot having an area of 40,000 are feet or more shall be prohibited within 50 feet of any Resource Area excluding Buffer Zones, erfront Area and lands subject to flooding or inundation by groundwater or surface water. The mmission may, at its discretion, allow a shed, playhouse or other structure; provided that it is built on tings requiring no more than four square feet cumulative ground Disturbance and has a footprint no ger than 144 square feet.

B. The construction of any Parking Lot/Area including 10 or more parking spaces shall be hibited within 50 feet of any Resource Area excluding Buffer Zones, Riverfront Area and lands subject looding or inundation by groundwater or surface water. Any drives, fire lanes or appurtenances shall clearly marked "No Parking".

C. The construction of any impervious surface shall be prohibited within 30 feet of any source Area excluding Buffer Zones, Riverfront Area and lands subject to flooding or inundation by undwater or surface water.

D. The Disturbance of any area shall be prohibited within 25 feet of any Resource Area cluding Buffer Zones, Riverfront Area and lands subject to flooding or inundation by groundwater or rface water.

E. The reconstruction, alteration, extension or structural change of a Building existing on or fore October 15, 1990, shall be exempt from the provisions of 187-5.A. However, said work shall quire approval from the Commission if within its jurisdiction.

F. The Commission may waive any provisions of 187-5, Limitations on Construction and turbance, where the Commission specifically finds that literal enforcement of the provision would volve demonstrated substantial hardship to an applicant and that desirable relief may be granted without bstantial detriment to the public good and without nullifying or substantially derogating from the intent purpose of this Chapter.

87-4. Exemptions and Exceptions

The applications and permits required by this Chapter shall not be required for:

A. Work performed for normal maintenance or improvement of lands in Agricultural and acultural use as defined by the Act regulations, 310 CMR 10.04.

B. Maintaining, repairing, or replacing, but not substantially changing or enlarging, an sting and lawfully located structure or facility used in the service of the public to provide electric, gas, ter, telephone, telegraph or other telecommunications services, provided that written notice has been en to the Commission prior to commencement of work and that the work conforms to any performance ndards and design specifications in regulations adopted by the Commission.

C. Emergency projects necessary for the protection of the health and safety of the public, vided that the work is to be performed by or has been ordered by an agency of the Commonwealth or political subdivision; that advance notice, oral or written, has been given to the Commission prior to or hin twenty- four (24) hours after commencement of work; that the Commission or its agent certifies work as an emergency project; that the work is performed only for the time and place certified by the mmission for the limited purposes necessary to abate the emergency; and that within twenty-one (21) s of commencement of an emergency project a permit application shall be filed with the Commission review.. Upon failure to meet these and other requirements of the Commission, the Commission may, er notice and a public hearing, revoke or modify an emergency project approval and order restoration l mitigation measures.

D. Minor activities as specified in the Commission Regulations within the Buffer Zone or erfront Area, provided the activity is not within any other Resource Area.

E. Other than stated in this Chapter and the Commission Regulations, the exceptions provided he Act and Act regulations, 310 CMR 10.00 shall not apply.

187-6.C Any Person desiring to know whether a proposed activity or an area is subject to Chapter may request in writing a determination from the Commission. Such a Request for ermination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) d under the Act shall include information and plans as are deemed necessary by the Commission.

187-6. Applications and Fees

A. Written application shall be filed with the Commission to perform activities affecting source Areas. The permit application shall include such information and plans as are deemed cessary by the Commission to describe proposed activities and their effects on the Resource Area. No ivities shall commence except as explicitly permitted in writing by the Commission.

B. The Commission in an appropriate case may accept as the application and plans under this apter any application and plans filed under the Act and Act regulations, 310 CMR 10.00, but the mmission is not obliged to do so.

D. At the time of an application the applicant shall pay a non refundable fee as specified in the mmission Regulations. . The fee is in addition to that required by the Act and Act regulations.

E. Pursuant to G.L. Ch. 44 §53G and the Commission Regulations, the Commission may pose reasonable fees upon applicants for the purpose of securing outside consultants, including gineers, wetlands scientists, Wildlife biologists or other experts in order to aid in the review of posed projects

~ 87-7. Notice and Hearings

A. Any Person filing a permit application or ANRAD with the Commission l at the same time ll give written notice by certified mail (return receipt requested) or hand delivered to all Abutters and utters to Abutters within 300 feet of the property line of the applicant at their mailing addresses shown the most recent applicable tax list of the assessors. The notice shall state a brief description of the ject or other proposal and the date any Commission hearing or meeting date if known. The notice to utters also shall include a copy of the application or request, with plans, or shall state where copies y be examined or obtained by Abutters. An affidavit of the Person providing such notice, with a copy the notice mailed or delivered, shall be filed with the Commission.

B. The Commission shall hold a public hearing on any permit application, RDA, or ANRAD h written notice given at the expense of the applicant, at least five (5) business days prior to the ring, in a newspaper of general circulation in Chelmsford and by mailing a notice to the applicant. en the applicant is other than the owner, the request and the notice of the hearing shall be sent by the licant to the owner. An affidavit of the person providing such notice, with a copy of the notice mailed delivered, shall be filed with the Commission.

C. The Commission shall commence the public hearing within twenty-one (21) days from eipt of a completed permit application, RDA, or ANRAD unless an extension is authorized in writing the applicant.

D. The Commission, in an appropriate case, may combine its hearing under this Chapter with hearing conducted under the Act and the Act regulations, 310 CMR 10.00.

E. The Commission may continue the hearing to a date announced at the hearing for reasons ed at the hearing. These may include the need for additional information from the applicant or others leemed necessary by the Commission in its discretion and based on comments and recommendations he boards and officials indicated in Section ~ 187-8.

F. The Commission shall issue its permit, other order or determination in writing within enty-one (21) days of the close of the public hearing unless an extension is authorized in writing by the plicant.

87-8. Coordination with Other Boards

The Commission may solicit the advice and opinions of appropriate Boards, Departments and wn Officials. Each shall be entitled to file written comments and recommendations with the mmission at least three (3) days before the hearing. The Commission shall take these comments and ommendations into account, but may not be bound by them. The applicant shall have the right to eive any such comments and recommendations, and respond to them at the hearing.

87-9. Burden of Proof

The applicant shall have the burden of proving by preponderance of the credible evidence that the rk proposed in the permit application will not have unacceptable significant or cumulative effect upon Values Protected by this Chapter. Failure to provide adequate evidence to the Commission supporting s burden shall be sufficient cause for the Commission to deny a permit or grant a permit with nditions.

87-10. Permits and Conditions

A. If after a public hearing the Commission determines that the activities in the permit plication, or the land and water uses which will result there from are likely to have a significant ividual or cumulative effect on the Resource Area values, the Commission shall issue or deny a permit the activities requested within twenty-one (21) days of the close of the hearing. The Commission ll take into account the extent to which the applicant has avoided, minimized and mitigated any such ect. The Commission also shall take into account any loss, degradation, isolation, and replacement or lication of such protected Resource Areas elsewhere in the community and the watershed, resulting m past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.

B. If it issues a permit, the Commission shall impose conditions which the Commission ms necessary or desirable to protect Resource Area values All activities shall be conducted in ordance with those conditions.

C. Where no conditions are adequate to protect Resource Area values, the Commission is powered to deny a permit application for failure to meet the requirements of this Chapter. It may also y a permit application for failure to submit necessary information and plans requested by the mmission; for failure to comply with the procedures, design specifications, performance standards, and er requirements in the regulations of the Commission; or for failure to avoid, minimize or mitigate cceptable significant or cumulative effects upon the Resource Area values.

D. In reviewing activities within the Buffer Zone, the Commission shall presume the Buffer ne is important to the protection of other Resource Areas because activities undertaken in close ximity have a high likelihood of adverse impact either immediately, as a consequence of construction ver time, as a consequence of daily operation or existence of the activities. These adverse impacts can lude, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss Wildlife Habitat.

E. In reviewing activities within the Riverfront Area, the Commission shall presume the verfront Area is important to all the Values Protected by this Chapter unless demonstrated otherwise. permit issued hereunder shall allow any activities unless the applicant, in addition to meeting the licable requirements of this Chapter, has proved by a preponderance of the evidence that there is no cticable alternative to the proposed project with less adverse effects, and that such activities, including posed mitigation measures, will have no significant adverse impact on the areas or values protected by s Chapter. The Commission shall regard as practicable an alternative which is reasonably available and able of being done after taking into consideration the proposed property use, overall project purpose g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the rnatives, and overall project costs.

F. To prevent Resource Area loss, the Commission shall require applicants to avoid eration wherever feasible; to minimize Alteration; and, where Alteration is unavoidable and has been nimized, to provide full mitigation. The Commission may authorize or require replication of wetlands a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate urity, and professional monitoring and reporting to assure success, because of the high likelihood of ure of replication.

G. The Commission may require a Wildlife Habitat study of the project area pursuant to 187-6.E e paid for by the applicant, whenever it deems appropriate, regardless of the type of Resource Area or amount or type of Alteration proposed. The decision shall be based upon the Commission's estimation he importance of the habitat area considering, but not limited to, such factors as proximity to other as suitable for Wildlife, importance of Wildlife "corridors" in the area, or actual or possible presence are plant or animal species in the area. The work shall be performed by an individual who at least ets the qualifications set out in the Wildlife Habitat section of the Act regulations, 310 CMR 10.60.

H. The Commission shall presume that Vernal Pools including their Buffer Zone perform ential habitat functions. This presumption may be overcome only by the presentation of credible dence which, in the judgment of the Commission, demonstrates that the basin or depression does not vide essential habitat functions. Any formal evaluation should be performed by an individual who at t meets the qualifications under the Wildlife Habitat section of the Act regulations, 310 CMR 10.60.

I. A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (RAD) shall expire three (3) years from the date of issuance. . Notwithstanding the above, the mmission in its discretion may issue a permit expiring five (5) years from the date of issuance for rring or continuous maintenance work, provided that annual notification of the time and location of k is given to the Commission. Any permit may be renewed once for up to an additional three (3) year od, provided that a request for a renewal is received in writing by the Commission thirty (30) days r to expiration. Notwithstanding the above, a permit may identify requirements which shall be rceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall ly to all present and future owners of the land.

J. For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, rmination or other decision issued under this Chapter after notice to the holder, the public, Abutters, n boards and a duly conducted public hearing.

K. Amendments to permits, DOA's, or ORAD's shall be handled in the manner set out in the Act lations and policies.

L. The Commission in an appropriate case may combine the decision issued under this Chapter th the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Act and Act ulations.

M. No work proposed in any application shall be undertaken until a permit or ORAD issued the Commission with respect to such work has been recorded in the Registry of Deeds; or, if the land ected is registered land, in the registry section of the Land Court for the district wherein the land lies, l until the holder of the permit certifies in writing to the Commission that the document has been orded. If the applicant fails to perform such recording, the Commission may record the documents lf and require the Applicant to furnish the recording fee, either at the time of recording or as a dition precedent to the issuance of a COC.

87-13. Enforcement

A. No Person shall remove, fill, dredge, build upon, degrade, or otherwise Alter Resource Areas tected by this Chapter, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or erwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an orcement order issued pursuant to this Chapter.

B. The Commission, its agents, officers and employees shall have the authority to enter upon vately owned land for the purpose of performing their duties under this Chapter and may make or cause e made such examinations, surveys, or sampling as the Commission deems necessary, subject to the stitutions and laws of the United States and the Commonwealth.

C. The Commission shall have authority to enforce this Chapter, its regulations, and permits ued by letters, phone calls, electronic communication and other informal methods, violation notices, -criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any Person who lates provisions of this Chapter may be ordered to restore the property to its original condition and take er action deemed necessary to remedy such violations, or may be fined, or both.

187-13. D. Any Person who purchases, inherits or otherwise acquires real estate upon which work been done in violation of the provisions of this Chapter or in violation of any permit issued pursuant his Chapter shall forthwith comply with any such order to restore such land to its condition prior to violation; provided, however, that no action, civil or criminal, shall be brought against such Person ess commenced within three (3) years following the date of acquisition of the real estate by such son.

7-14. Appeals

A decision of the Commission shall be reviewable in the Superior Court in accordance with G.L. 249 §4.

87-11. Regulations

A. After public notice and public hearing, the Commission shall establish rules and regulations to y out the purposes of this Chapter, effective when voted and filed with the Town Clerk. Failure by the mmission to issue such rules and regulations or a legal declaration of their invalidity by a court of law ll not act to suspend or invalidate the effect of this Chapter. At a minimum these regulations shall erate the terms defined in this Chapter, define additional terms not inconsistent with the Chapter, and ose specific filing and consultant fees.

B. The Commission may establish, in its regulations, design specifications, performance ndards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and er work limits for protection of such lands, including without limitation strips of continuous, disturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it y be disturbed without harm to the values protected by the Chapter.

87-12. Security

As part of a permit issued under this Chapter, in addition to any security required by any other nicipal or state board, agency or official, the Commission may require that the performance and ervance of the conditions imposed including conditions requiring mitigation work be secured wholly n part by one or both of the methods described below:

A. By a proper bond, deposit of money or negotiable securities under a written third party row arrangement or other undertaking of financial responsibility sufficient in the opinion of the mmission, to be released in whole or in part upon the issuance of a COC for work performed pursuant he permit.

B. By accepting a conservation restriction, easement or by a covenant, enforceable in a court aw, executed and duly recorded by the owner of record, running with the land to the benefit of elmsford whereby the permit conditions shall be performed and observed before any lot may be veyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

187-13.E Any Person who violates any provision of this Chapter or of any conditions of a permit ed pursuant to it may be punished in accordance with Chelmsford General Code, Chapter I, Article II, -2 "Non-Criminal Disposition". Each day or portion thereof during which a violation continues shall stitute a separate offense. This Chapter may be enforced by the Commission, Conservation Agent or ignee of the Commission, a town Police Officer or other officer having police powers. Upon request he Commission, the Board of Selectmen and Town Counsel shall take such legal action as may be essary to enforce this Chapter and permits issued pursuant to it.

87-15. Severability

The invalidity of any section or provision of this Chapter shall not invalidate any other section or vision thereof, nor shall it invalidate any permit, approval or determination which previously has been ed.

**UNDER ARTICLE 18.** Dwight Hayward moved that the Moderator waive the reading of the le. The Moderator asked for a vote on the motion by way of a show of hands. **Motion carried, nimously.**

The Town Manager explained that this article was sponsored by the Board of Selectmen to blish an agricultural community. This would be an additional voice in the community to advocate for ers and farm business to preserve the last remnants of the farming culture. Enhance the visibility of ers and assist in the resolutions of agricultural issues. The Commission would engage in projects and vities to promote the business of farming activities and tractions and farmland protection in town, uding programs and community events. He asked that the Body support the article. He explained e would be no cost to the Town, it would be volunteers. The Moderator asked for questions hearing

ne, the Moderator asked for the Finance Committee's recommendation. The Committee had no ommendation for this article. The Board of Selectmen recommended the article. Marian Paresky ke in favor of the article. She cited that this may re-establish the hay fields that will avoid possible ure flooding of areas in town. Peggy Dunn spoke in favor of the article and said that starting in July u September there will be a farmers market held on Thursdays from 2 pm to 6 pm on the Center mmon. The Moderator asked if there was any debate. Hearing none, he asked for a vote by a show of nds, **motion carried, unanimously.** The article reads as follows:

Selectman Clare Jeannotte moved that the Town vote to amend Chapter 106, Officers, Boards and mmittees of the Chelmsford Town Code by inserting a new section, Section 7 Agricultural mmission as follows:

**ction 106-7. Agricultural Commission**

A There shall be an Agricultural Commission to represent the Chelmsford farming community and related interests. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in Chelmsford, and shall promote agricultural-based economic opportunities in Town.

B Said Commission, once appointed, shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following:

- serve as facilitators for encouraging the pursuit of agriculture in Chelmsford;
- promote agricultural-based economic opportunities in Town;
- act as mediators, advocates, educators, and/or negotiators on farming issues;
- work for the preservation of prime agricultural lands; and
- pursue all initiatives appropriate to creating a sustainable agricultural community.

C The duties and responsibilities of the Commission shall include, but not be limited to:

- Advising the Town Manager in matters related to the care and usage of town-owned agricultural properties.

- Advising the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, and other local organizations, on projects and activities, including acquisitions and other transactions, involving agricultural lands in town.

- Engaging in projects and activities to promote the business of farming activities and traditions and farmland protection in town, including programs and community events.

D The Commission shall consist of five members appointed by the Board of Selectmen. In the beginning, two members shall be appointed for a term of three years, two members shall be appointed for a term of two years, and one member shall be appointed for a term of one year. Thereafter, each member shall be appointed for a term of three years. Each term shall expire at the end of the appropriate fiscal year.

**UNDER ARTICLE 19.** Dwight Hayward moved that the Moderator waive the reading of the cle. The Moderator asked for a vote on the motion by way of a show of hands. **Motion carried, animously.** The Manager introduced Evan Belansky, Director of Community Development who had rked with a subcommittee appointed by the Planning Board at the request of the Board of Selectmen l spent extensive time over the past months on the by-law mentioned in the article. Evan Belansky ne forward and explained that the article had been worked on since May of 2008. A subcommittee was pointed and met at least fifteen times from July of 2008 to March of 2009. There were discussions with wn Counsel, State Officials from the Outdoor Advertising Board and Industry representatives. There s a preliminary review by the Planning Board and the Board of Selectmen in November of 2008 and n a final draft review of the article in January of 2009. A public hearing was held in April of 2009. He d that a great deal of credit regarding the drafting of this by-law goes to the subcommittee's Chairman orge Zaharoolis and members Colleen Stansfield and Robert Joyce. The purpose was to regulate the ation, the number of, type and design, create a public benefit, permit billboards in the P district, permit iboards on town owned land, allow visibility from Routes 3 and 495 but not be visible from residential perties or programmed town lands. The tasks included identifying potential legal issues, potential s, potential zoning options and content of the by-law. He went over the legal issues regarding State gulations. Approval must come from the Outdoor Advertising Board that falls within their jurisdiction. cal zoning by-law must be content neutral and provide adequate market opportunity and right of ways regulated within present zoning by-laws. Also must address Conservation lands aka Article 97 lands ch have significant procedural obstacles. Currently off site billboards are not allowed in Chelmsford. property owner wanted one, they need to appear before the Board of Appeals for zoning relief and ain a variance which has a high threshold. The object to create billboard zoning in Town was to create ecific by-law and create an overlay district and to specify certain parcels within that district. The committee then identified specific sites. There were ten Preliminary sites that ranged from Katrina d, Lime Quarry, Manning Road, Twiss Road, Riverneck Road, including the sites that will be ussed at this meeting. He showed the map and went over the preferred sites, saying that a detail site lyst was done based on proximity to residential properties, environmental constraints, topography and etation. There was the High School property zoned P that runs along Route 3 showing the preferred ation of the billboard. It would require the School Department to go through a process and turn it over ne Board of Selectmen, it would take roughly 12-18 months to complete. Land off Oak Hill which is cent to Route 3 immediately adjunct to the Scotty Hollow development and has five separately owned els located in a IS zone. It would be a long-term process to develop. Another site in the P zone is 14 s of land under the jurisdiction of the Conservation Committee. It runs off Riverneck Rd along the vell Connector. This is known also as Article 97 land, which has a Conservation restriction. It would ire in addition to the billboard by-law requirements, a unanimous vote of the Conservation nmission, 2/3's vote of Town Meeting and a home rule petition to the State Legislation where a 2/3's must be obtained. It does appear to meet site criteria of the State's regulations; it was estimated to between 18-24 months to complete the process. He further explained that this by-law would create a section of the present zoning by-law to be known as 195.33.5 and insert it in the existing sign by-law ch is in the current zoning by-law. He went over the highlights of the proposed by-law. He listed the zoning items not covered by the by-law. They are: does not regulate work done within the public t of ways, does not cover the surplus and disposition of town owned property, does not cover the ests for proposals, does not cover the negotiation of lease terms (RFP's are a Board of ctmen/Town Manager function), does not contemplate the allocation of revenue, does not template the Board of Selectmen setting up the annual permit renewal and processing of fees as well ny rules and regulations pertaining to the fee process. The Town Manager then spoke about the ncial considerations. He said that currently this information is uncertain because there is no city or n owned sites that run along Routes 3 and 495. He did say that the Lowell Regional Transit Authority

ha recently submitted an RFP and contract on the Lowell Connector and the MBTA has sites. The es mates run from $40,000 up to $90,000 per site for these agencies billboards. He then went over the pr cess that would happen once a billboard was approved for a site. Further Town Meeting action would be required regarding the transferring of property from the Conservation Commission and School D artment to the Board of Selectmen. For any lease for five years or longer for Town owned land. And fo transferring any revenues taken in from town owned land that holds a lease. All revenues would go in the general fund as a receipt, Town Meeting would then vote to transfer it to the appropriate line item fo use. Robert Joyce made a point of order. He stressed that this is a zoning by-law and the financial as ect or discussion of money that is to be generated from this not take place. The Moderator said that it is elevant to discuss anything connected to the by-law including financial considerations. Numerous qu stions were asked. Robert Russo questioned how many billboards would be allowed? George Z aroolis said a possible 4-5. Richard Maloney questioned the lighting issue if a site was to put at the C S site. Light spillage is addressed in the by-law and shouldn't be a problem. Carol Kelly-Sulesky qu stioned what is programmed town lands. Evan Belansky said land that is used for athletic purposes. Sa n Poulten questioned if this is a legal, comprehensive, and protective by-law? George Zaharoolis said th subcommittee felt it was. He asked that Town Counsel address the legal by-law question. Town C nsel John Giorgio said that the way the by-law is written it is a legal one. The question would be if it w uld comply with constitutional objections. It must maintain it's consistently with current law. Sam Pulten questioned if the by-law is passed what happens if the Board of Selectmen make a decision based on their RFP regulations connected to the by-law would the by-law still be legal? Town Counsel said if th RFP is in regards to Town owned land there are strict procedures that must be applied as well as st uary regulations. Can legal challenges occur by adopting a by-law? Town Counsel said the by-law is le al, however anyone can challenge a law. Katherine Tubridy questioned the contents of billboards re arding cigarettes, liquor adult entertainment. Town Counsel said this is an important issue. It es entially involves the application of the 1st amendment to the US Constitution. When a municipality m kes available public property through regulation for the expression of speech, the Town cannot re ulate the content of that speech. There is lesser scrutiny when it is commercial speech as opposed to po itical speech or social speech, there are constitutional protections. Regarding cigarettes and liquor the S te can regulate but from local level, the Town cannot distinguish between the different types of co mercial speech. Regarding the advertising of adult entertainment there is a by-law with an overlay di rict which does limit this to certain parcels. Those type of by-laws have been up held under the 1st ar endment as long as the Town does provide some alternate avenues for communication. He's not co tain if the advertisement of adult entertainment would be covered by the by-law. He is not prepared to gi e an opinion regarding this because he would have to do more research. Katherine Tubridy requested th t this be done. George Zaharoolis said that the subcommittee was told that through the by-law "c ntents" could not be controlled. Michael Combs questioned the use of digital message boards. Evan B ansky explained the by-law. Pamela Armstrong questioned the Oak Hill site. She wanted to know if th Church who owned one of the sites located there would have to wait as long as the Town owned land si for approval. No because it is privately owned. It would not be subject to disposition process or RFP pr cess. Just need to submit an application to the Planning Board. It would only have to deal with the de elopment agreement with the Board of Selectmen. Peggy Dunn questioned if the Lime Quarry was ru d out. Yes, it was. Nick DeSilvio questioned if Mass Highway was interested in putting up billboards. N , it seemed that currently they are interested in putting up cell towers. David Mullen said that he was a Attorney who had first hand knowledge of the Outdoor Advertising situation and was willing to assist a one one with any questions if there was a need. Mary Jo Welch questioned if this was approved when w uld the process start. The Manager said he would work with Town Counsel setting up the rules and re ulation of an RFP then it would be a matter of waiting for the approval of the different Boards. She qu stioned the maintaining of the billboards. The Manager said a bond would have to be provided that

uld protect the Town if the billboard is not properly maintained or the owner abandons the property. e thought that the issue regarding Adult Entertainment had been addressed at one of the previous nning Board or Selectmen's meeting. The Moderator referred to Town Counsel who had researched issue. He said that State statue prohibits the display of obscene material; State law is very specific out this. Also under the Town's Adult Entertainment by-law Adult Entertainment is specifically ined. Therefore, if the Town goes to issue an RFP it can prohibit the display of obscene material ause it would be a violation of State law. Can you prohibit a billboard? Barring from displaying tures you can not prohibit the advertisement if it's words. Maria Karafelis, when would any revenue rt to come back to the Town? The Manager explained that it depends on the site. Hopefully by early 10. More questions were asked. Karen DeDonato questioned the Oak Hill Rd site and the access uirement and length of time. Evan Belansky explained the process and because it doesn't meet with the te's regulation of being under the Business Character Rule there would be more time involved to meet proval. She asked why the State can have laws regarding contents on a billboard and not a Town. wn Counsel said due to case law the Supreme Court has ruled on 1st amendment rights including the e of obscene material. Because there is a statute already on record, the Town could prohibit it on it's P. She asked if the Town was just leasing the land, couldn't the lease be cancelled if it didn't like the tents. Town Counsel said that the speech is protected, it limitations must be specified in the RFP he d a copy of the MBTA's RFP. He said the Town should be absolutely strict on limiting what can be d. As long as it is specified and a challenge made he would have no problem representing the Town. es the MBTA have any land in Town because she was afraid that they could put up signs on the perty? Or are these the only areas where billboards can go? The Manager explained that the MBTA s not own any land. These are the current sites available. The Moderator asked for the various ommendations. The Finance Committee had no recommendation for this article. The Board of ectmen recommended the article. George Zaharoolis read the Planning Board's recommendation:

The Planning Board held a public hearing on April 1, 2009 to listen to testimony for warrant cle #19 to add section 195-33.5 and amend section 195-2 to Chelmsford's zoning bylaws. This By- was the direct result of a request by Board of Selectman to examine the possibility of allowing boards in our community. The Planning Board agreed to look at the possibilities on how to amend our ing by-laws which presently do not allow billboards in our community. The Planning Board reviewed l crafted a by-law with no bias either for or against billboards. Subsequent to the April 1, 2009 Public ring the Planning Board held a meeting on April 4th , 2009 for the purpose to discuss and deliberate merits of this by-law. The Planning recommends following two revisions be incorporated into the aw:

tion E.1.a Shall not be located within 500 feet, measured from the closest point of the billboard to the sest property line of any lot used for residential purposes, including but not limited to such uses as erly housing, assisted living and nursing homes. Hotels and motels are not considered residential uses purposes of this section of the bylaw.

tion E.1.b shall not be located within 1000 feet, measured from the closest point of one billboard to the sest point of another billboard

e Planning Board is in agreement that the bylaw as presented at the Public Hearing, with the two minor rections above, is a well crafted by-law from a zoning perspective.The Planning Board's responsibility o make sure, as a land use board, we encourage the most "appropriate use of land throughout the town, romote the general welfare of our community and to protect the health and safety of its inhabitants".

The Planning Board after discussion and deliberation voted not to recommend adopting this article (five in favor, two opposed). Signed by Pamela Armstrong, Chair

The Moderator asked if there was any debate. Robert Joyce asked if the Conservation Commission could make a recommendation regarding the Lowell Connector land. David McLachlan said that the Commission at their meeting a few weeks ago heard the Planning Board's proposal for this land being a site. Due to the many factors, the Commission voted unanimously not to support the article. Larry ViPoli, Linda Fall, Frances McDougall spoke against the article. Richard Maloney spoke against the article and moved to amend it. "Under If. If a waiver is granted by the Planning Board, as defined in subsection I f, a billboard that is within 500 feet of a residential property line, as specified in subsection I a shall not be lighted at any time."
He explained that the lighting from the High School property would affect his property as light pollution. The Moderator asked for any debate on the motion to amend, hearing none he asked for a vote by way of a show of hands, **motion defeated**. Glenn Thoren spoke in favor of the article but he wants to see that the restrictions are placed on the RFP. It is a well-written by-law and highly restrictive. He asked that the Body support it. Attorney David Mullen asked to address the Body at this time. The Moderator said he was allowed to answer questions or if he represented anyone in particular he would be allowed to speak. Robert Joyce made a point of order. He said that this required a vote of permission and he wanted to know who he represented. The Moderator said the vote giving him permission was given by the Body at the previous session. The Moderator then addressed Attorney Mullen again and said unless he represented an individual he would have to wait for any questions in order to speak. Elias Gioumbakis stated that he was being represented by Attorney Mullen. Attorney Mullen concurred. He explained that he has had experience with the Outside Advertising Board and proceeded to discuss the merits of what Town Counsel said regarding certain questions of the Body. While Town Counsel was, correct in most comments there were additional regulations under Federal Laws that covered many of the concerns voiced. Billboards are handled through billboard companies not individuals. It is a very expensive proposition for an individual to undertake. The billboard company must meet certain rules and regulations in order to be a billboard company. There are mechanisms to control outdoor advertising in RFP's. Philip McCabe spoke in favor of the article. Robert Russo spoke in favor. Sal Lupoli thanked the Body for their patience and for listening and asked that they take everything said in favor into consideration prior to their voting. He felt that the Town will be protected thru RFP regulations and this will be a pure profit benefit for the Town to acquire. Dennis Ready moved the question. The Moderator asked for a vote by way of a show of hands, **motion carried, unanimously**. He then asked for a vote on the article by way of a show of hands. This left the Chair in doubt the following tellers came forward and a hand count was taken: Thomas Gilroy, Marie Sevigny, Philip Swissler, and Janet Holmes. **The result of the hand count Yes 96 no 46 2/3's is 91 the motion carried.** The article reads as follows:

Selectman Clare L. Jeannotte moved that the Town vote to amend the Town Code, Chapter 195, "Zoning Bylaw", Article VII "Sign and Outdoor Lighting", by adding a new sub-section, § 195-33.5, "Billboard Overlay District", for purposes of establishing a Billboard Overlay District and zoning regulations and to amend Article II "Districts", sub-section 195.2 B, "Overlay Districts" by adding the "Billboard Overlay District" as follows;

195-33.5 Billboard Overlay District

A **Purpose and Intent**
The Purpose of this section is to preserve and promote the public health, safety, and welfare and to provide siting criteria, standards, orderly, effective, and reasonable control of billboards, thereby halting

n proliferation, reducing distractions to drivers, enhancing the visual environment, minimizing the verse visual impact of billboards on nearby properties and residential neighborhoods. Furthermore, it is intent and purpose to establish reasonable and uniform guidelines that will prevent any unreasonable ncentration of billboards within the town and that any billboard will provide a substantial benefit to the blic good. The provisions of this chapter have neither the purpose nor the effect of imposing limitations restrictions on content of any billboard. In addition, this bylaw recognizes 711 CMR 3.00, the Outdoor vertising Boards Control and Restrictions of Billboards, signs and other advertising devices.

**Definitions**

1. Billboard - a free-standing off-premise bulletin or tri-vision sign, not exceeding 14'in height and 48' in width, including the supporting structure, which advertises, promotes or calls attention to any business, article, substance, idea or any other thing or concept within public view
   a. Bulletin – painted or printed on a single vinyl sheet or panel which are stretched over the sign face of the billboard
   b. Tri-vision - is a mechanical system that allows up to three sign faces to be placed on the same billboard at the same time. The sign faces are printed on strips of vinyl, which are affixed to the face of the triangular panels.

2. Development Agreement – an agreement between the Board of Selectmen and the applicant that identifies mutually agreed upon terms and requirements, including but not limited to public benefit.

3. Highway – Limited Access Interstate Highways Routes 3 and 495

4. Sign Face - The surface area of a sign on which the advertising message is displayed. A sign face shall only display one message at one time.

5. Public Benefit [benefit to the public good]: public benefit shall include, but is not limited to, monetary [i.e. lease agreement, development agreement with the town of Chelmsford etc.], informational, and/ or to provide emergency communication information [i.e.: "Amber alerts", weather advisories, road closures etc.]

**Applicability / Eligibility Requirements**

1. A special permit from the Planning Board is required for a billboard.
2. Billboards, as defined in Section 195-33.5.B, shall be prohibited in all zoning districts, except as allowed in the Billboard Overlay District.
3. Any billboard granted a special permit shall comply with all other Town Bylaws and all Federal and State statues.

**Establishment of Billboard Overlay District and Relationship to Underlying District**

1. The location and boundaries of this overlay district are hereby established and part of this bylaw as shown on the Billboard Overlay District Map, dated March 2, 2009. The Overlay District is established as an overlay to the underlying district, so that any parcel of land lying in the Overlay District shall also lie in the zoning district in which it was previously classified, as provided for in this Zoning Bylaw. The Billboard Overlay District includes the following parcels:

| Map | Block | Lot |
|---|---|---|
| 31 | 111 | 1 |
| 11 | 4 | 1 |
| 10 | 4 | 1 |
| 11 | 4 | 13 |
| 10 | 4 | 2 |
| 64 | 283 | 1 |

2. Billboards in the overlay district shall be exempt from Section 195-14 and all dimensional requirements of section 195-9.

3. To the extent that provisions of Article VII, Signs and Outdoor Lighting, may be inconsistent with the provisions of Section 195-33.5, the provisions of Section 195-33.5 shall govern regarding billboards in the Billboard Overlay District.

**Location Requirements**

1. Billboards shall comply with the following:
   a. Shall not be located within 500 feet, measured from the closest point of the billboard to the closest property line of any lot used for residential purposes, including but not limited to such uses as elderly housing, assisted living and nursing homes. Hotels and motels are not considered residential uses for purposes of this section of the bylaw.
   b. Shall not be located within 1000 feet, measured from the closest point of one billboard to the closest point of another billboard.
   c. Shall be located within 75 ft of the nearest edge of the highway right of way.
   d. Shall not be located on, or project over, right of way, utility easement or drainage easement.
   e. The distances specified above shall be measured by a horizontal line along the ground.
   f. Not withstanding the setback distances, as required above, where Route 3 and Route 495, serve as a separation between a proposed billboard and a residential use, these roadways may, based upon a determination from the Planning Board, serve as an adequate setback in lieu of the setback distances required above; as long as the sign face is not visible from a residential use.

**Dimensional Standards**

1. The maximum sign face area shall not be more than 672 sq. ft. (14'x 48') per permitted side.
2. The maximum sign face area may be temporarily enlarged, for a period not to exceed 30 days, upon the approval by the building inspector. Such enlargements shall not be greater than 2' in width and 4' ft. in height per side and 5' in width and 2' ft. in height on the top.
3. The maximum height, including supporting structures to the highest point of the billboard shall not exceed 35 ft. The permitted height shall be based upon the average finished highway pavement elevation of a 10ft. by 10 ft. square area of pavement measured by a horizontal line from the base of the billboard to the closest point of highway pavement.
4. Minimum land area where a billboard may be located shall not be less than be 1,500 sq. ft. For purposes of this bylaw, minimum land area shall be defined as an area in which a

billboard is located. The minimum land area may be in the form of a lease area or other form of ownership / interest.

5. A billboard and all associated equipment shall be located entirely within the minimum land area.
6. Minimum setbacks from side / rear property lines – minimum of 75 ft or twice the height of the approved billboard to be measured from the base elevation of the approved support structure.

The provisions of section F may be waived by the Planning Board upon a finding that such deviation will not detract from the purpose of Section 195-33.5.

**Design Standards**

1. Lighting
   a. Lighting shall be designed in accordance with the standards of Section 195-34, to the maximum extent feasible.
   b. Lights shall be located at the top of the billboard, shielded downward and towards the face of the billboard to prevent light spillage to the surrounding area.
   c. No revolving, moving, flashing, blinking or animated characteristics shall be permitted.
   d. Solar lighting is encouraged and as such solar panels shall be exempt from the height requirement in sub-section F.3.

2. Types
   a. Bulletin and tri-vision type billboards are permitted.
   b. Single and two sided billboards are permitted.
   c. Back to back and V-style billboards are permitted.
      i. Back to back – a structure with two parallel sign faces oriented in opposite directions.
      ii. V-style - A structure or structures with two sign faces, forming the shape of the letter "V" when viewed from above.
   d. Three sided billboards may be permitted based upon a determination of the Board.
   e. LED (digital) and/or internally lit type billboards are prohibited.
   f. Poster style billboard are prohibited. For purposes of this bylaw, a poster style billboard shall be defined as a series of printed-paper sheets that are glued onto the sign face.
3. Orientation
   a. Back to back billboards shall be parallel and shall be no more than five (5) feet apart.
   b. V-style billboards shall have an angle between the two faces of not more than 60 degrees.
   c. Billboards shall have not more than one sign face on each side of the sign structure.
   d. No billboard shall contain more than one sign facing the same direction of traffic on the highway.
   f. Billboards shall not be "stacked" one on top of another or placed together horizontally "end-to-end" or "side-by-side."

The provisions of section G. 1-3, with the exception of G.2.e, may be waived by the Planning Board upon a finding that such deviation will not detract from the purpose of Section 195-33.5.

4. Duration of Message

   Duration of each display [TRI Vision] shall be no less than 8 seconds. The sign shall change in a manner that does not cause a distraction to motorists.

5. Appearance

   Exposed back of signs, poles and other support structures may be required to be painted or shielded to minimize adverse visual impacts and to present a finished appearance so as improve the visual appearance.

6. Landscaping
   a. Supporting structures shall be adequately screened from abutting properties via a combination of existing and proposed vegetation.
   b. Existing vegetation shall be preserved to the maximum extent feasible.

7. Audio

   No outdoor speakers or other audio systems are permitted.

8. Variable Message Boards (VMB)

   VMB's may be approved as a means of providing a public benefit. A variable message board (VMB) is a sign whose message can be changed manually, electrically, mechanically, or electromechanically to provide motorists with information that results in a public benefit. For purposes of this bylaw, a VMB, may be permitted to have revolving, moving, flashing, blinking or animated characteristics.

The Planning Board shall determine, on a case by case bases, the design specifications and conditions of operation for a VMB.

**Maintenance**

1. All billboards, including the sign faces, supporting structures, lights and landscaping shall be kept in good repair and free from tears, rust and other indicia of deterioration.
2. Billboards and support structures shall be removed within 1 month of cessation of use. For purposes of this bylaw, "cessation of use" shall be defined as a period of 90 consecutive days in which the billboard is not used for the defined purposes, of this bylaw, or there is no intent to resume the use or activity of the billboard.

**Application Requirements**

The application for a Special Permit for a Billboard shall include the following information:

1. A completed Special Permit application and application fee as required. Each sign face shall be considered a separate sign for purposes of permit and filing fees.
2. Project Narrative, including but not limited to the following:
   a. public benefit
   b. Maintenance procedures
   c. easements & utilities
3. Executed Development Agreement
4. A locus map highlighting the subject property, displaying the property lines of adjacent lots and building footprints, where applicable, within 500 feet and the distance measurements to the abutting properties. This map shall be a minimum size of 24" x 36" and a minimum scale of 1"=100'.
5. A Site Plan in accordance with Section 195-103 of this zoning bylaw.
6. General description of structural design and construction materials of billboard.

7. A color rendering [drawing(s)] of the proposed billboard which shall contain specifications indicating height, perimeter, and area dimensions, means of support [support structure], methods of illumination if any, and any other significant aspect of the proposed billboard.
8. A boundary survey showing the minimum land area for the billboard on the lot and the location of the billboard within the minimum land area.
9. Certification(s) from licensed professional engineers that the soil surface is capable of sustaining the proposed load and that the electrical and structural strength of the proposed/actual sign is satisfactory.
10. Any other information requested by the Board in order to carry out the purpose and intent of these bylaws.
11. Provide view shed maps showing all locations where the billboard and structure will be visible from.
12. Planning board may require a balloon, crane, or other tests at the proposed location of the billboard to determine visual and aesthetic impacts
13. The Planning Board at its discretion may require additional information in order to determine visual and aesthetic impacts.

**Criteria for Approval**

1. The Planning Board may grant a Special Permit in accordance with the criteria of sections 195-103, 195-104.H and the provisions of this article.
2. The Board will pay particular consider the following additional criteria:
   a. Public Benefit
   b. Minimize height and visual intrusion
   c. Minimize land disturbance and removal of mature vegetation
   d. Compliance to the maximum extent feasible, to Lighting standards on Section 195-34 of the zoning bylaw
   e. Maximize energy efficiency
3. Special permits may be granted with such reasonable conditions, safeguards or limitations on time and use, as deemed necessary by the Planning Board, including but not limited to the following:
   a. Performance guarantees
   b. Maintenance Bonds

**Effect of Invalidity Determination**

In the event any subsection or provision of section 195.33.5 is determined to be invalid by a final judgment of a court, with all appeals having expired or been exhausted, then Section 195.33.5 in its entirety shall be deemed repealed.

tion 195-2.

B. Overlay districts are also hereby created, as follows CX, aquifer protection, ~~and~~ Floodplain and Billboard Overlay District.

Moderator declared that the meeting be adjourned sine die. **Motion carried, unanimously**. The ting adjourned at 11:00 PM.

nis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

**TOWN OF CHELMSFORD**

**WARRANT FOR SPECIAL TOWN MEETING**

**August 17, 2009**

IIDDLESEX, SS.

o the Constable, or any other suitable person of the Town of Chelmsford:

reeting:

n the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet in the Senior Center, 75 Groton Road, North helmsford on Monday, the 17th of August 2009, at 7:30 PM in the evening then and there to act upon e following articles, VIZ:

**RTICLE 1**. To see if the Town will vote to accept the provisions of Massachusetts General Laws hapter 64L to impose a local sales tax upon the sale of restaurant meals originating within the town y a vendor at the rate of .75 per cent of the gross receipts of the vendor from the sale of restaurant eals, effective on October 1, 2009; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**RTICLE 2**. To see if the Town will vote in accordance with the provisions of Massachusetts General aws Chapter 64G, Section 3A to increase the local excise tax upon the transfer of occupancy of any om or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within the wn by any operator to a rate of six per cent of the total amount of rent for each such occupancy, ffective on October 1, 2009; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**RTICLE 3**. To see if the Town will amend the Fiscal Year 2010 operating budget voted under Article 3 f the Spring Annual Town Meeting held on April 27, 2009; or act in relation thereto.

SUBMITTED BY: **Town Manager**

**RTICLE 4**. To see if the Town will vote authorize the Board of Selectmen to acquire by purchase, gift, ninent domain, or otherwise, four parcels of land, containing a total of 16.97 acres, more or less, and e 92,844 +/- square-foot building thereon located at 9 Alpha Road in Chelmsford, which parcels are nown as Lots 12, 16, 17 and 18 on Assessors' Map 86, Block 328, and constitute the entire premises escribed in deeds recorded in the Middlesex North Registry of Deeds in Book 20818, Pages 248 and 50; Book 6126, Page 30; and Book 6148, Page 230; said parcels to be held by the Board of Selectmen r general government purposes;

d further to raise and appropriate, transfer from available funds, and/or borrow pursuant to lassachusetts General Laws Chapter 44, Section 7 or 8, or any other enabling authority, a certain sum money to fund said acquisition of the land and buildings thereon and to fund the design and the development of the land and buildings into a Department of Public Works facility, including related praisal, survey, legal and other costs incidental and related thereto;

d further to authorize the Board of Selectmen to take all actions necessary to acquire said parcels; ovided, however, that this appropriation and debt authorization shall be contingent upon passage of a oposition 2 ½ debt exclusion referendum under Massachusetts General Laws Chapter 59, Section 1C(k); or act in relation thereto.

SUBMITTED BY: **Town Manager**

**RTICLE 5**. To see if the Town will vote to raise and appropriate, transfer from available funds, and/or rrow pursuant to Massachusetts General Laws Chapter 44, Section 7 or 8, or any other enabling thority, a certain sum of money to fund the design and construction of a new town center fire station adquarters facility on a portion of the 8.69 acre parcel of Town-owned land located at the corner of ilson Street and Chelmsford Street identified as Lot 5 on Assessors' Map 73, Block 289, including lated survey, legal, and other costs incidental and related thereto; and further that this appropriation d debt authorization shall be reduced by the amount of any grant monies that the Town may receive r the design and construction of the new town center fire station headquarters facility; provided, wever, that this appropriation and debt authorization shall be contingent upon passage of a oposition 2 ½ debt exclusion referendum under Massachusetts General Laws Chapter 59, Section 1C(k); or act in relation thereto.

SUBMITTED BY: **Town Manager**

ereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 27th day of July, 2009.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Clare L. Jeannotte, Chairman

Patricia Wojtas, Vice Chairman

Eric R. Dahlberg, Clerk

George R. Dixon, Jr.

Sean M. Scanlon

**NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE SPECIAL TOWN MEETING**

The Board of Selectmen shall propose the following date and time for continued sessions of the pecial Town Meeting of August 17, 2009:

**Thursday, August 20, 2009 at 7:30 p.m.**

If additional continued sessions are necessary they shall take place on the following Monday, nd Thursday of the consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10 Notice these dates and times are proposed nd are subject to change by vote of the Town Meeting Representatives.

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COMMONWEALTH OF MASSACHUSETTS

IIDDLESEX, SS. July 28, 2009

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of helmsford by posting up attested copies of same at the following places, to wit: Town Office Building ym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, yam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, IcCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building obby.

Signed: William E. Spence
William E. Spence,
Constable

A True Copy Attest, William E. Spence
William E. Spence,
Constable

## SPECIAL TOWN MEETING
## August 17, 2009

The Special Town Meeting was called to order at **7:35** PM at the Senior Center, on Groton oad. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **144** Town eeting Representatives present. The Moderator announced that those wishing to participate in the edge of Allegiance to please rise. The Moderator pointed out the fire exits located in the room and en went over the rules and procedures of the meeting, regarding amending motions and discussions. own Counsel for this meeting from Koplemen and Paige would be Attorney John Giorgio. Selectman are L. Jeannotte moved that the reading of the Constable's return of the Special Town Meeting arrant be waived. **Motion carried, unanimously.** Selectman Clare L. Jeannotte moved that the ading of the warrant be waived. **Motion carried, unanimously**. The Moderator asked that the Body te to allow two non-residents to address the meeting when articles 4 and 5 came up. These idividuals are affiliated with the companies who worked with the Committees associated with the ticles. They are Jeff Alberti from Weston and Sampson and Janet Slemenda from HKT Architects. e Moderator asked for a vote by way of a show of hands, **motion carried**. He then proceeded with e meeting and read the first article.

**UNDER ARTICLE 1.** Town Manager Paul E. Cohen moved that the Town of Chelmsford te to accept the provisions of Massachusetts General Laws Chapter 64L, Section 2(a) to impose a cal meals excise tax effective on October 1, 2009.

The Manager came forward and thanked the Body for taking the time to come to the meeting. e explained that there will be five articles to be heard and voted upon. However, before any action gins he asked that an acknowledgement be made to the to the two committees who have volunteered any hours over the past two and a half years regarding the proposals under articles 4 and 5. The re/DPW Facility Plan Committee with members: Edwin Paul Eriksen, Henry A. Houle, John P. ivlan, Patrick J. Maloney, James E. Pearson, David F.Turocy and David Tyler. The Permanent uilding Committee with members: Gary Persichetti, Eric Johnson, Christina Papadopoulos, Douglas Wright, Dave Duane, Joseph Greene and Patrick J. Maloney. The Body responded with a round of plause. He then gave a brief summary of what had happen to the Town's financial situation since the ring Town Meeting. The FY for 2009 is now closed and the auditors will be coming in next week. full report will be given at the Fall meeting. Preliminary reports indicate that revenues came in at 6.9 million. The property tax collection rate is 98.7%. The excise collection is down 4% from the ior year, however, it is 13% over the revised forecast. There was only one reserve fund transfer in e amount of $3,550 due to department heads managing their budgets. There was a State grant of 7,686 which came from the E911 surcharge added to resident's telephone bills, and a Federal imulus grant of $21,102. These monies enabled the public safety personnel expenses to come in der budget. The estimated figures in State aid that the Town would receive were underestimated. e State budget was voted after the April meeting. The Town's FY2010 budget had a lost in State aid $1,067,172. This was more then the estimated amount given at the April meeting. There are three ays to make up the loss. A bill was passed that would allow property taxes on telecommunication les and wires. This would result in an additional $130,916. The Town now has the opportunity to ss local tax options over and above the States percentage in rooms and meals. This would mean venue of $287,715. Then Departments were asked to reduce their expense budgets by an additional

2% this resulted in $559,451. He then explained the meals tax option. When the State passed its budget there was an increase to the meals tax. It was 5% and it was raised to 6.25% Rather then raise it to 7% and spread it out across the State in state aid it allowed an local option for cities and towns to raise it in their communities by an additional .75% and that money would stay in the community. The State estimated that the Town could raise $166,338 if the article was to pass. This has to be implemented on a quarterly basis and the next quarter begins October 1st and the State has to be notified by September 1st if that deadline is passed then the next quarter would be January 1st and it would mean a1/3 loss of the predicted revenue if the article was to appear on the Fall Town Meeting warrant. This is part of the reason why this special meeting was called. He said over the pass years the Town has not done as well as it should have regarding State aid funding because of the formula used in determining the distribution of State aid. This way for every $100 spent on a meal 75 cents would go directly back to the Town. The money collected would go towards the funding the operating budgets of the Chelmsford Public Schools, Police and Fire. He said that New Hampshire (which is one Town away from Chelmsford) just recently raised its meal tax to be 9%. There is an estimated figure of 2,365 non residents who work but not live in Town. Every time they choose to eat in Chelmsford .5% of their bill will stay in Chelmsford. By adopting this option it will show the State that the Town is trying to help it's self rather then depend on the State for local aid. The Moderator asked for questions, hearing none, he asked for committee recommendations. The Finance Committee recommended the article. A majority of the Board of Selectmen were against the article. Samuel Chase asked for a poll of the Board of Selectmen. Chairman Clair Jeannotte said that the Board voted 2-2, Selectmen Dixon and Wojtas were in favor of the article. Selectmen Dahlberg, Scanlon and herself voted against the article. Samuel Chase requested that the Selectmen state the reason for their votes. Clare Jeannotte said that her reason is two fold. She felt the budget situation is going to unfold continuously over the year in the mist of uncertain economic times that is predicted to get worse. Even though the State has provided this option it did not give the Town what is needed to control costs and help balance the budget. Accepting this option can be done at another time. Eric Dahlberg felt it was a adverse impact on local business climate at a time when the economy is already faltering. Didn't feel that the Town has achieved all the efficiencies that are possible on the expenditure side of the budget specifically in regards to health insurance. There will be plenty of other communities not doing it will cause a disadvantage. Patricia Wojtas felt it is s a discretionary activity to go out and eat in a restaurant, it is an insignificant amount of an increase if people choose to dine out. It is optional and the Town has been requesting the State to provide the chance to adopt local revenue and we should take advantage of it. This is a chance to generate revenue by not using real-estate taxes as a source of revenue she feels that real-estate taxes are very regressive. George Dixon said he talked to residents in his precincts and throughout the Town and he heard a lot in favor did not hear much opposition to it, and felt that the majority of people want it so the majority ruled. Samuel Chase thanked the Board. He felt that this was a no brainier and the Board of Selectmen in the past had expressed the need for the opportunity to have local tax options. This article and the next one is the chance to do this and asked that the Body support these articles. A number of Representatives spoke in favor of the article; Glenn Thoren thanked Selectman Dixon and Wojtas for their support and spoke in favor of it. Deirdre Connolly spoke in favor citing that she always tries to support local restaurants and now will do so more knowing that the additional money will help the Town. George Ripsom felt that the State didn't allow through and that this is just an option as a way to avoid doing so. Thomas Gilroy spoke against the article. John Kurland spoke in favor. Jeff Hardy said that this is an additional burden being placed on the small businesses in Town regarding the increase and the accounting of it; he asked that it be voted down. Matt Hanson said that Massachusetts is 24th in having the highest regressive tax structure in the country. In times like this when new taxes are being proposed he'd rather see progressive taxes

hich are temporary. This is a great opportunity for the Town in the long run if the town could raise $00,000 in the course of a year that would not come through real-estate tax which is a regressive tax. Jhn Goffin asked if a one time tax option of say $100 per household be collected and put into a fund t support the budgets. The Manger said no, this is not allowed only the State Legislators can pass tax lws. Philip Eliopoulos asked if anything is being done by the Manager regarding the Employees lealth care costs. The Manager said that there is a meeting with all employees scheduled in September about the GIC health option. However, even if an agreement was met it would not go into effect until Jly 2010. Richard Maloney asked if voted how long would this increase be in effect. The Manager sid until Town Meeting votes to rescind it. Kathy Duffet expressed the need for everyone to be good citizens and support the local business and to vote yes on this article. Deborah Derry asked if the roney collected from National Grid for the Central Sq project could be applied instead to the budget. Inot then what would happen to then money if it is not spent on this project. The Manager explained tat the money collected is done as a surcharge to electric bills and could only be used for that project nen it happens. Any money left over will be reimbursed back to the rate payers. Dennis Ready roved the question. The Moderator asked for a show of hands on the motion to stop debate, **motion rried, unanimously.** He then asked for a vote on the article by way of a show of hands, **motion rried**.

**UNDER ARTICLE 2.** Town Manager Paul E. Cohen moved that the Town of Chelmsford te to amend its local room occupancy excise under the provisions of Massachusetts General Laws hapter 64G, Section 3A to the rate of six percent effective on October 1, 2009.

The Manager explained that the Town has a four percent occupancy currently in effect that the ate collects and reimburses the Town. The estimated revenue expected is $121,377. He went on to plain that the City of Lowell just lost the Double Tree Hotel due to it being sold to UMass Lowell for te use of dormitories. This means less hotel rooms will be available and the hotels in Chelmsford will nefit from this action. Kurt Marshall questioned the families that were placed in the Town's hotels the State. Does this mean that the State is exempt from paying the hotel tax? No, the State pays the me as everyone else. The Moderator asked if there were any more questions, hearing none, he asked r committee recommendations. The Finance Committee recommended the article. Clare Jeannotte hairman of the Board of Selectmen said that a majority of the Board of Selectmen were against the ticle, for the same reasons as stated in the previous article. Thomas Gilroy thanked the Board for eir vote and felt it was the right way to vote and asked that the Body vote against the article. Maria arafelis said that if someone could afford $100 a night for a room, then they could certainly afford to y an additional $2.00. She agreed with what the Manager said about people seeking rooms in helmsford, not only because of the availability but because of the locations to the two major ghways. She asked that the article be supported. Samuel Poulten moved the question. The oderator asked for a show of hands on the motion to stop debate, **motion carried, unanimously.** e then asked for a vote on the article by way of a show of hands, **motion carried**.

**UNDER ARTICLE 3.** Town Manager Paul E. Cohen moved that the Town vote to amend the scal Year 2010 operating budget voted under Article 3 of the Spring Annual Town Meeting held on pril 27, 2009 as follows:

- Decrease Line Item #2 Municipal Administration Expenses by $10,080
- Decrease Line Item #3 Chelmsford Public Schools by $397,063

- Increase Line Item #4 Nashoba Valley Technical High School by $33,534
- Decrease Line Item #6 Public Safety Personnel Services by $150,876
- Decrease Line Item #7 Public Safety Expenses by $21,525
- Decrease Line Item #9 Public Works Expenses by $36,050
- Decrease Line Item #10 Municipal Facilities Personnel Services by $2,000
- Decrease Line Item #11 Municipal Facilities Expenses by $6,831
- Decrease Line Item #12 Sewer Commission Expenses by $80
- Decrease Line Item #14 Cemetery Commission Expenses by $850
- Decrease Line Item #16 Community Services Expenses by $4,435
- Decrease Line Item #18 Library Expenses by $8,185
- Increase Line Item #19 Benefits & Insurance Expenses by $45,000

The Manager explained that Departments were asked to reduce their budgets by an additional 2%. These figures reflect that request and there may be more done at the Fall meeting. Deirdre Connolly questioned the amount shown under the Nashoba Tech budget and Benefits & Insurance expenses. Most of the items shown were decreases and these budgets were increases. Under the Nashoba item is this the stimulus figure that was discussed at the Spring meeting. The Manager said no it wasn't. He explained that even though Chelmsford did not vote the budget figure requested in April, the other communities in the district did and the budget has now been certified. Chelmsford is now obligated to pay the full budget as requested which is a $48,000 shortfall. However, the amount of $33,000 is what he is adjusting the budget to be at this time as he expects that Nashoba will honor their word regarding the stimulus money and a final adjustment will be made in the Fall. He knows that it was voted at their meeting the previous week, to use stimulus money to reduce the assessment figure amount given at the Spring meeting. The other item was increased due to the unemployment assessment being increased because the Town is on a "pay as you go" program, and the assessment has gone up since the budget was passed in April. Karen DeDonato questioned what was the actual amount of stimulus money Nashoba would receive. The Manager said that the Department of Revenue and Education sent out the figures and $421,000 is what Nashoba will receive. The Committee is still waiting for other State figures before they act. If not done at the Fall Town Meeting and if the tax rate is set, it will come off the assessment figure. He stressed that it is solely Nashoba's discretion to do this. She asked if the figure to be deducted was $33,535. Yes it was, he hopes that they will take the $100,000 in capital and wipe that out. Maria Karafelis questioned the situation regarding the ceiling cave in at the High School, and was this figure part of the reduction. No it wasn't. He was waiting for the insurance company to come in with their figure and will make the adjustment regarding this in the Fall. Paul Gleason questioned the pay raises that employees gave up. Was it forfeited just this year or for the future? The Manager explained that employees gave up their cost of living but not their step increase if entitled to it. Brian Latina questioned if the Manager included the estimated extra revenue from the previous two articles prior to making this adjustment to the budget? Yes he did. He asked if

the December storm clean up money reimbursement from the Federal Government of $350,000 has been added to this budget. The Town hasn't received the full reimbursement yet. What has been received was used in FY09, when the remaining balance is received he plans on putting it back into the FY10 stabilization fund, and the adjustment will be made in the fall. The Moderator asked if there were any more questions, hearing none he asked for committee recommendations. The Finance Committee recommended the article. The Board of Selectmen recommended the article. The Moderator asked for debate, hearing none he asked for a vote by way of a show of hands. **Motion carried, unanimously.**

**UNDER ARTICLE 4**. Dwight Hayward moved that the reading of the article be waived. The Moderator asked for a show of hands on the motion. **Motion carried, unanimously**.

The Manager explained the purpose of this article is acquire a parcel on land at 9 Alpha Rd and make renovations to the building on it for a new DPW facility. He read an analysis done in June by Bond Counsel Standard & Poor "After accounting for commonwealth's support of school debt and sewer debt self support, the overall debt burden is low in our view at $1.240 per capita and less than 1% of market value". He then asked Patrick Maloney, Chairman of the Fire/DPW Facility Plan Committee to come forward and further explain the article. Patrick Maloney explained what the DPW Department does and why a new facility is needed. He then gave the project history. In February of 2007 a nine member committee was established and at the Spring Town Meeting, $17,000 was appropriated for preliminary planning. At the Fall Town Meeting $85,000 was appropriated to fund a feasibility study for the DPW Fire Department. In March of 2008 the firm of Westson and Sampson was hired as a design team and in March of 2009, Janet Slemeda of HKT Architects completed the DPW Feasibility Study. The Committee stopped the design process after seeing cost estimates of $31 million for this project. It began brainstorming and a committee member Dave Duane who is a commercial real-estate expert came up with this location/building as a possibility. He listed the various divisions of the DPW. He noted that they are on call 24 hours. There are four locations spread all over the Town. The current site on Richardson Rd is a potential threat to groundwater due to inadequate storage facilities and $50,000 has been spent by the Town in litigation over the site. He showed pictures and gave examples of the inadequacies of the present site. The cost for the rented facility for the Sewer Division is currently $74,100 per year. He then went over the needs for a new facility. Presently there is insufficient and out dated space to support the operations. There are concerns regarding employees' health and safety due to the lacking of proper ventilation, proper egress, and employee support space. The facility has exceeded its useful life, needs to comply with environmental compliance regarding storm water management, vehicle washing and zone II drinking water issues. Various code compliances need to be met including building, OSHA, fire and life safety. He then said that Jeff Alberti from Weston and Sampson would come forward and give the program analysis. He explained that the process included the inspection and inventory of the existing facilities and equipment. Interviewed the DPW staff, and came up with six major operating areas. 89,014 sf would be required to meet the needs. He explained how the needs compare to industry standards. He explained why the vehicles and equipment needed to be stored indoors. The reason was to be efficient and allow cost effective operations, protect equipment and provide storm water pollution control, noise and air control, public safety and employee safety. Patrick Maloney discussed the project costs. The Committee came up with four alternatives. Construct a new DPW on Richardson Rd for $31,289,000, construct a partial DPW on Richardson Rd and construct the rest at a later date combine cost of $4,510,000, construct a DPW if required to by legal action $29,410,000 at Roberts Field, or to purchase the current site with building and rehab it for $12,860,000 which is the consideration before the body. He went over the debt impact the project would have. He explained the benefits of having

the new building. It would protect the Town's fleet which would increase the life expectancy and lower the maintenance costs of the vehicles and equipment. The DPW operations would be improved by having all divisions under one roof and eliminate the need for property rental. The building will be energy efficient and there will be improved drainage and storm water site handling in order to conform with DEP' standards. If the article passes then it will go to the voters for a Town wide question at a Special Town Election this October. If it passes, then public meetings will be held with the Design Team, and Public Building Committee and citizens in order to receive input for the project while in the design phase. It should take six months to complete the design, and then take twelve to eighteen months to go out for bids build. The Moderator asked for questions. Thomas Fall questioned the slab floor in the building at the proposed site. Patrick Maloney said that it was investigated and it was designed and used for warehouse loading if a problem should arise it will be addressed with the contingency funds, but he felt that it should not be an issue. Karen DeDonato said that both projects are needed but can they be afforded, she asked that the Manager explain what the cost to the taxpayers would be. The Manager explained that a debt exclusion question will go before the voters for this project and the Fire Dept. It is for the life of the bonds taken out to pay for the project. Once the bonds are paid it goes away, it is not added into the tax base. The current debt service for the sewer and school project is $460. This is based on an average home value of $360,000 with an average tax bill being $5,069. The cost of this project would be absorbed into the current debt service and the Sewer Enterprise Fund would be used to support the facility. She asked what would be the cost combined with the Fire Department project. He said that the figure would remain the same until 2015 then it would peak at $72.00 until 2020. The Sewer Enterprise fund money is paying for the rental of space now, it this article passes it will be used to support the facility. He explained that construction prices have dropped and interest rates have low. The Town would be borrowing at a rate of 3%. These are problems that won't go away and have to be addressed. If not now then we'll be buying more and getting less in the future. Sheila Pichette questioned what the marketing strategy will be. The Manager said the Campaign Expenditure Law prohibits himself and Town Officials on "campaigning" for the project. Patrick Maloney said it would be handled by the Permanent Building Committee and grass root efforts such as coffees etc would be conducted to get the word out. Richard Maloney questioned the size of the acreage of the current building on Richardson Rd and what will happen to it. It is a 27 acre lot in which 14 acres are developed. Was the cost factor the only reason why this site wasn't being used? Yes, cost estimates were coming in at $32 million. Richard Moloney questioned what will happen to this site if the DPW is relocated, can it be sold or developed? Ideas have been tossed around like making a park, baseball field, housing but nothing has really been addressed. Once a decision is made it would have to come back to this Body for a vote. The Town is still mining sand out off the land because of the value of sand it would be a couple of years until anything happens to the parcel. Bill Griffin questioned the savings when the equipment is located inside a building and the energy saving methods. Jeff Alberti explained the savings regarding the equipment. Jim Pearson also explained the savings in time, maintenance of the equipment and energy savings with the new building. Brian Latina asked questioned the tax value of the land at the proposed site and the storage of the vehicles inside and around the new building. Jeff Alberti explained that it's for the purpose of weather conditions and protection and moving of tools. He questioned the condition of the aquifer and containers of waste that were found at the current site. Jim Pearson explained that everything had been cleaned up to DEP and Board of Health standards. George Kalos moved the question. The Moderator said that this is inappropriate at this time can only be addressed during debate. Karen Kasowliski question if there was a real need to purchase the extra land at Alpha Road knowing that it was wetland would this require Conservation Commission approval prior to development. Patrick Maloney explained the current building occupies 5.8 acres the remaining acreage is mostly wetland but can be

ed for yard activity and storage of certain items it is necessary in order to complete the facility. She pressed her concerns of the wetlands. The Committee reviewed the wetland by-laws and fully pects that they will be issued an order of conditions and does not foresee any concerns or increased sts. Clare Jeannotte thanked the Committee again for all their hard work and bringing forth these o proposals. The Body responded with applause. She then asked why the figure requested was nded up from the estimate of $12,575 million to an excess of $13 million. Also what is the figure r the contingencies? Patrick Maloney said it was done just to make it easier for discussion. She felt it was done at a cost to the taxpayers. The Manager explained that the figure shown and being quested is for authorization only. The estimated cost could vary; this has been done for previous pital projects. Whatever the final estimated figure cost comes in as it will be the figured borrowed. fully expects to come in under the $13 million. She asked what the contingency figure was. Patrick aloney said 10% is what the normal figure has been the industry standard and was used in past jects. He was confident that this was a good percentage. The actual figure is $521,000. Janet bner asked if there was any stimulus money available for this type of project. The Manager said not are for this type of project, but there is for the fire project and the Town has applied but not very peful on receiving it. It is across the whole USA and it's a .01% chance that it might become ailable. It is geared towards States that have higher unemployment problems. Paul Gleason felt that s will be a very difficult item to put before the voters, and didn't expect to see the fire station article the same warrant. He asked if the Committee had a priority over one to the other. No, it did not see e option better then the other felt they are both important. He asked the Manager if he had a priority, he did not. He felt that the people should make the choice both buildings have pressing needs and pact the public safety and should both be supported by the community. Paul Gleason asked when Special Election would be. The Manager said October 6th. Paul Gleason felt it was a short window getting the information regarding these projects. The Manager said that this has been ongoing for last 2 ½ years. He felt that once everyone got back into their routines there would be amble time to ucate them Jeff Miller questioned the Swain Road facility. Jim Pearson said if the article were to ss the sand operation would be entirely moved to the new site. The Moderator asked for further estions, hearing none he asked for the committee's recommendations. The Finance Committee commended the article. A majority of the Board of Selectmen voted in favor. Samuel Chase quested that the Board of Selectmen give their reason for their vote. Clare Jeannotte said that the ard held a meeting on July 27th and voted 4-1 in favor with Selectmen Dahlberg voting against. are Jeannotte said her reason was capital projects need to be viewed for the long run. They need to ve the community for 50 years. Felt that being able to pay $13 million for a $32 million project is opportunity that can't be passed up. It gets all the operations under one roof, good location, solves problem with the water district regarding their wells. Eric Dahlberg said it was great proposal, at work by having one, bad timing. Uncertainty, doesn't know what the State is going to be doing wn the road in regards to funding. Not wise to take on massive debt at this time, Patricia Wojtas d she voted in favor because of the timing and the opportunity in costs and timing. George Dixon er viewing the new facility felt it good move and a good time to buy because of the rates. Karen Donato asked if this was going to go to a Town Ballot in October. The Manager said yes, if this dy approved the article with a 2/3's vote to allow for the appropriation of the funds then the next step uld be for it to go before the voters. Karen DeDonato said she supported the article both are a great portunity and it should go on a ballot and let the voters decide. Fran McDougal moved the question. he Moderator asked if there was any need to discus the motion, hearing none he asked for a show of nds. **Motion carried unanimously**. The Moderator asked for a vote by way of a show of hands on article. **He declared that the motion carried, by recognizing the 2/3'vote by-law.** The article ds as follows:

Town Manager Paul E. Cohen moved that $13,000,000 be appropriated by the Town (i) to aquire by purchase, gift, eminent domain, or otherwise, four parcels of land, containing a total of 1.97 acres, more or less, and the 92,844 +/- square-foot building thereon located at 9 Alpha Road in Chelmsford, which parcels are shown as Lots 12, 16, 17 and 18 on Assessors' Map 86, Block 328, and constitute the entire premises described in deeds recorded in the Middlesex North Registry of Deeds in Book 20818, Pages 248 and 250; Book 6126, Page 30; and Book 6148, Page 230; and (ii) to fund the design and the redevelopment of such land and building into a Department of Public Works facility, including related appraisal, survey, legal and other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow $13,000,000 under Chapter 44 of the Massachusetts General Laws or any other enabling authority; that the Board of Selectmen be authorized to acquire the said parcels and the said parcels are to be held by the Board of Selectmen for general government purposes; and that the Board of Selectmen be authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

**UNDER ARTICLE 5.** Dwight Hayward moved that the reading of the article be waived. The Moderator asked for a show of hands on the motion. **Motion carried, unanimously**.

The Manager explained that this article was for the authorization of $12 million to be used for the building of a new Fire Headquarters and facility on Town owned land at the corner of Wilson St and Chelmsford St. He showed a brief history of the what events where going on at the time that the building was built in 1952. It was built as a call station. Today it is the headquarters of the Department and it houses the biggest piece of apparatus that must be centrally located in order for respond time for the outlying stations. He then asked that Patrick Maloney give the Committee's report on the project. He went on to say that the DPW /Fire Committee In February of 2007 a nine member committee was established and at the Spring Town Meeting, $17,000 was appropriated for preliminary planning. At the Fall Town Meeting $85,000 was appropriated to fund a feasibility study for the DPW Fire Department. In March of 2008 the firm of Westson and Sampson was hired as a design team and in March of 2009, Janet Slemeda of HKT Architects completed the DPW feasibility Study. He listed the various duties that the Fire Department performed and was responsible for. The present location has major structural deficiencies in the way of building code, work environment, storage, technology, undersized bays. The current lot is too small for expansion. When the building was built in 1952 it was for a volunteer Fire Department for a rural community of less then 10,000 people. The building is in dire need of repairs and upgrades. Jeff Alberti came forward and gave the program analysis. He said that the purpose was to see what the Fire Department lacked. It was training spaces, decontamination support spaces, medical supply storage, hazardous material support space, administrative space, conference space, gear storage, living quarters, and apparatus storage space. He interviewed the personnel. He showed the proposed draft layout and compared the findings with other communities. He showed the body the different spaces to be developed. Specialty equipment that the Department has only one of must be kept at a central location in order to have maximum response time and he showed that area. The site selection analysis concur that the Town must have a central headquarters site because of the location of the hub stations due to the way the Town is laid out with two major highways dividing it up in order to have good response time. The analysis came up with six sites and the top ranked site was the proposed one. Patrick Maloney then explained the objections listing the costs involved for each one. The Committee felt that constructing the new facility was the best overall option. He went over the financial impact. If the project is put off for just one year it

could result in $1million increase in costs. He went over the benefits. Consolidation of all administration, meet all code requirements and safe work environment, allow for extensive training facilities, more energy efficient. The Moderator asked for questions. George Ripsom said that if the body defers at this particular time it will only put off what needs to be done five years from now and will be more costly. Yes this is correct. The building needs to be replaced. Karen DeDonato questions the replacement of the softball fields. They will be relocated either to Southwell field or perhaps to the DPW site on Richardson Rd if that becomes available. She asked what would happen to the old station at the current site. Sold off for office building or restaurant, whatever the proposal it would require Town Meeting vote. Ralph Hickey spoke against moving the softball field. Wanted to know why the building on North Rd couldn't be repaired to hold the apparatus and a building built on Roberts Field for the administration. There is no room on the lot for any addition on North Rd. Peggy Dunn questioned the traffic on Chelmsford St. Chief Parow explained that this would be controlled by traffic lights. They have the ability on North Rd to change the lights when a call comes in that moves the traffic and clears the roadway, the same would be done at Chelmsford St. Glenn Thoren questioned the floor condition at the current station. Patrick Maloney said that yearly inspections are done but getting closer and closer to the life in that building. If something happened it would have to be vacated. He questioned the current ladder truck located in the building. Is it able to reach the top floors of the largest buildings and still fit in that facility? The Chief explained that yes the ladder truck can reach the top floors, it cost $550,000 and the Town had to pay an addition $150,000 because the Town needed a low profile ladder because of the center door height. He couldn't get the larger ladder because it won't fit in the building. Glenn Thoren asked about the land behind the current station if it could have been purchased. The Town looked into it but the owner had sold it when the Town went back to discuss it. Joyce Johnson questioned where on Southwell Park could the softball fields go. There are two sites even though they maybe wet there is a possibility that they would be able to go there. Richard Maloney wanted to know if both projects could be done at the same time. Patrick Maloney said this would be done if possible if both passed. The difference would be working with an existing building and a brand new building. Dennis Sheehan question the past consideration of closing a station and combining it with the Center Station. The Chief said a study was done but became unfeasible because of the locations and the access around the Town. Bill Griffin asked about the floor condition and referred to the slide and asked if it showed concrete is in the netting. Yes it is the floor falling apart, this is not a case of when it will fall apart, it already is. He then asked about the trucks being able to get in behind the current station. The driveway is not wide enough because the area has been sold and the trucks will not be able to turn into the building. Tom Fall questioned possibility of taking the land by eminent domain. Town Counsel John Giorgio said that there needed to be a public purpose, an appraisal done, and a Town Meeting vote to authorize. Once the Board of Selectmen sign the authorization and it is filed in the Registry of Deeds, the Town takes possession. The owner of the land could tie it up but in most cases this would be because of the price of the land. Regardless title of the property would be the Town's and the project could begin. Ann McGuigan asked about the location and the impact on the neighborhood. The Committee felt that this would not be a problem. Laura McGuigan was in favor of a new station but had concerns with more traffic being increased. The Chief said no it wouldn't change. Walter Cleven questioned why Roberts Field wasn't considered. Patrick Maloney said that in order to meet MMA standards regarding response time a central location is needed. More questions were asked about the proposed location and the value of the old building. The Moderator asked for the committee recommendations. The Finance Committee recommended the article. A majority of the Board of Selectmen voted not recommending the article. Samuel Chase questioned what the vote was and asked that each Selectman explain their vote. Chairman Clare Jannotte said that she needed to make a comment that should have been done earlier. Selectman Sean

Sanlon is absent from this meeting due to being temporary away on active duty otherwise he would have been present. She continued the vote was 3 against 2 in favor. She agreed that the present building is deplorable and something needs to be done it doesn't meet the needs of the station or the force. She did not vote in favor due to the cost, the location and the size of the building. Should do all we and to come up with the least expensive possible option. She has serious questions as we look at future operating budgets of the Town and the ability to ask the taxpayers to further increase their property tax if there might be some alternative that is less expensive in which to solve the problem at this time. The Center building does need serious attention but is not convinced that the new configuration will be able to be staffed efficiently to meet the NFPA standards that it is striving to do. Selectman Dahlberg voted against for similar reasons given for the DPW facility. Supports' using the existing capital budget to fix the floor and make repairs doesn't want to take on massive debt. Patricia Wojtas voted to approve the project. The Fire Chief came before the Board asking for and received approval to apply for the $5m dollar grant to help construct a building. She felt that we should wait and see what happens to that option. She is prepared to keep her commitment to the Chief and due to conditions being in desperate need of an upgrade. Also was encouraged that the Permanent Building Committee is continually doing an analyst of the structure and with their experience and good judgment will come up with facility that will meet the budget that the Town can afford. George Dixon voted in favor because of the conditions. As he state with the DPW project best time with bond ratings, centralizing the personnel, and the response time. Sam Chase supported the article. Felt the Committee did a great job current station needs to be replaced. If we wait it will cost the Town many times over and asked that the article be voted and sent to the voters. Samuel Poulten moved the question. The Moderator asked if there was any need to discus the motion, hearing none he asked for a show of hands. **He declared that the motion carried, by recognizing the 2/3'vote by-law.** The Moderator asked for a vote by way of a show of hands on the article. **He declared that the motion carried, by recognizing the 2/3'vote by-law.** The article reads as follows:

Town Manager Paul E. Cohen moved that $12,000,000 be appropriated to fund the design and construction of a new town center fire station headquarters facility on a portion of the 8.69 acre parcel of Town-owned land located at the corner of Wilson Street and Chelmsford Street identified as Lot 5 of Assessors' Map 73, Block 289, including related survey, legal, and other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow $12,000,000 under Chapter 44 of the Massachusetts General Laws or any other enabling authority, that the Board of Selectmen be authorized to contract for and expend any federal or state aid available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this vote; and that the Board of Selectmen be authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

The Moderator then declared that the meeting be adjourned sine die. The meeting adjourned at 1:05 PM.

Dennis E. McHugh, Moderator

Elizabeth L. Delaney, Town Clerk

**TOWN OF CHELMSFORD**

**WARRANT FOR SPECIAL TOWN ELECTION**

**OCTOBER 6, 2009**

IIDDLESEX, SS.

'o the Constable, or any other suitable person of the Town of Chelmsford:

reeting:

the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the legal oters of said Chelmsford to meet in their several polling places, VIZ:

| | |
|---|---|
| Precinct 1. | Town Office Building Gymnasium |
| Precinct 2. | Harrington Elementary School Gymnasium |
| Precinct 3. | Harrington Elementary School Gymnasium |
| Precinct 4. | Westlands School Cafetorium |
| Precinct 5. | Byam School Cafetorium |
| Precinct 6. | Westlands School Cafetorium |
| Precinct 7. | McCarthy Middle School, Small Gymnasium |
| Precinct 8. | McCarthy Middle School, Small Gymnasium |
| Precinct 9. | Town Office Building Gymnasium |

n Tuesday, the 6th day of October, 2009 being the first Tuesday in said month at 7:00 a.m. until 8:00 m. to vote on the following questions:

1. Shall the Town of Chelmsford be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds to be issued (i) to acquire four parcels of land, containing a total of 16.97 acres, more or less, and the 92,844 +/- square-foot building thereon located at 9 Alpha Road in Chelmsford, which parcels are shown as Lots 12, 16, 17 and 18 on Assessors' Map 86, Block 328, and constitute the entire premises described in deeds recorded in the Middlesex North Registry of Deeds in Book 20818, Pages 248 and 250, Book 6126, Page 30 and Book 6148, Page 230, and (ii) to fund the design and

the redevelopment of such land and building into a Department of Public Works facility, including related appraisal, survey, legal and other costs incidental and related thereto?

Yes ____ No ____

2. Shall the Town of Chelmsford be allowed to exempt form the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds to be issued in order to fund the design and construction of a new town center fire station headquarters facility on a portion of the 8.69 acre parcel of Town-owned land located at the corner of Wilson Street and Chelmsford Street identified as Lot 5 on Assessors' Map 73, Block 289, including related survey, legal, and other costs incidental and related thereto?

Yes ____ No ____

lereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 24th day of August, 2009.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Clare L. Jeannotte, Chairman

Patricia Wojtas, Vice Chairman

Eric R. Dahlberg, Clerk

George R. Dixon, Jr.

Sean M. Scanlon

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. August 25, 2009

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gymnasium, Harrington Elementary School Gymnasium, Harrington Elementary School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gymnasium, and Town Office Building Lobby.

Signed:
William E. Spence,
Constable

A True Copy Attest,
William E. Spence,
Constable

## SPECIAL TOWN ELECTION OCTOBER 6, 2009

| | | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **QUESTION 1 (DPW)** | | XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX | | | | | | | | | |
| Blanks | | 5 | 5 | 4 | 2 | 10 | 12 | 2 | 4 | 1 | 45 |
| YES | | 367 | 204 | 296 | 235 | 274 | 380 | 411 | 392 | 376 | 2935 |
| NO | | 369 | 219 | 379 | 328 | 396 | 491 | 489 | 452 | 452 | 3575 |
| | TOTAL | 741 | 428 | 679 | 565 | 680 | 883 | 902 | 848 | 829 | 6555 |
| **QUESTION 2 (FIRE)** | | XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX | | | | | | | | | |
| Blanks | | 2 | 0 | 3 | 0 | 3 | 2 | 0 | 3 | 1 | 14 |
| YES | | 324 | 204 | 262 | 230 | 258 | 378 | 369 | 357 | 368 | 2750 |
| NO | | 415 | 224 | 414 | 335 | 419 | 503 | 533 | 488 | 460 | 3791 |
| | TOTAL | 741 | 428 | 679 | 565 | 680 | 883 | 902 | 848 | 829 | 6555 |

**TOWN OF CHELMSFORD**
**WARRANT FOR THE**
**FALL 2009**
**ANNUAL TOWN MEETING**

**OCTOBER 19, 2009**

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet at the Senior Center, 75 Groton Road, North Chelmsford on Monday, the nineteenth of October in the year two-thousand and nine at 7:30 p.m. in the evening and there to act upon the following articles, VIZ:

**ARTICLE 1:** To hear reports of the Town Officers and Committees; or act in relation thereto.

**SUBMITTED BY: Board of Selectmen**

**ARTICLE 2:** To see if the Town will vote to appropriate from Free Cash a certain sum of money to the Stabilization Fund; or act in relation thereto.

**SUBMITTED BY: Board of Selectmen**
**Town Manager**
***Two-Thirds Vote***

**ARTICLE 3.** To see if the Town will vote to transfer a certain sum of money from Special Revenue to the School Department, said funding coming from E-Rate reimbursements; or act in relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 4.** To see if the Town will vote to raise and appropriate or transfer from available funds a certain sum of money to fund the Community Action Program established under Article 12 of the April 29, 1996 Annual Town Meeting. The purpose of this program shall be to provide matching funds to community improvement projects undertaken by individuals and/or organizations within the Town of Chelmsford; or act in relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 5.** To see if the Town will vote to amend the Fiscal Year 2010 operating budget voted under Article 3 of the Annual Town Meeting held on April 27, 2009 and amended under Article 3 of the Special Town Meeting held on August 17, 2009 and to see if the Town will raise and appropriate or transfer from available funds a sum of money to defray Town charges for the fiscal year period July 1, 2009 to June 30, 2010; or act in relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 6.** To see if the Town will vote to appropriate a sum of money from the Chelmsford Forum special revenue fund for the replacement of the center ice scoreboard at the Chelmsford Forum; or act in relation thereto.

**SUBMITTED BY: Town Manager**

**ARTICLE 7**. To see if the Town will vote to appropriate from Community Preservation Fund revenues a sum of money for the exterior restoration of the Garrison House, and further to authorize the Board of Selectmen to acquire an historic preservation restriction, or act in relation thereto.

**SUBMITTED BY: Community Preservation Committee**

**ARTICLE 8.** To see if the Town will vote to appropriate from Community Preservation Fund revenues a sum of money for the exterior restoration of the Fiske Barn, and further to authorize the Board of Selectmen to acquire an historic preservation restriction, or act in relation thereto.

**SUBMITTED BY: Community Preservation Committee**

**ARTICLE 9.** To see if the Town will vote to transfer the care, custody, management and control of the following described parcel of land along with all easements and appurtenances as described below from the Conservation Commission for conservation purposes to the Board of Selectmen for general municipal purposes, including the purpose of conveyance, which parcel of land is shown as "Parcel W" (the "Parcel W") on a plan entitled "Approval Not Required Plan, Map 102 Lots 357-6, 357-8 and 357-14" dated July 31, 2009, prepared by Meisner Brem Corporation, (the "Plan") containing 4.17 acres, more or less along with a permanent, forty (40) foot wide right of way access and use easement depicted on the Plan as "Easement Area A" and "Easement Area B" (collectively, the "Easement Area") and which Plan is on file with the Town Clerk, and which Parcel W and Easement Area B are portions of the Town-owned land described as Parcel 2 in a deed recorded with the Middlesex North District Registry of Deeds in Book 2329, Page 302 and which Easement Area A is a portion of Town owned land described as Parcel 1 in said deed; to authorize the Board of Selectmen to seek legislative approval for such transfer and conveyance under Article 97 of the Articles of Amendments to the Massachusetts Constitution, such transfer to become effective upon the enactment of said Article 97 legislation and upon the determination by the Conservation Commission that Parcel W is no longer needed for conservation purposes (noting that the land subject to the Easement Area shall remain under the administration, control and maintenance of said Conservation Commission with all retained rights in the Easement Area for conservation and passive recreation use subject to the rights of the Chelmsford Water District to use the Easement Area to access and use Parcel W); and further to authorize the Board of Selectmen to convey the Town Land along with all said rights of way, easements and appurtenances depicted on the Plan to the Chelmsford Water District on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate, provided that the Chelmsford Water District, in consideration for the conveyance of the Town Land, shall convey to the Chelmsford Conservation Commission, for conservation and open space purposes and for nominal consideration, the parcels of land shown as "Open Space Parcel A" and "Open Space Parcel B" on a plan entitled "Hillside Lane Extension 'Definitive Plan' for Subdivision in Chelmsford, MA," dated July 1, 1993, revised through February 11, 1994, recorded with the Middlesex North District Registry of Deeds in Plan Book 186, Plan 1, containing in total 4.43 acres, more or less; and/or to take any action relative thereto.

**SUBMITTED BY: Conservation Commission**
**Two-Thirds Vote**

**ARTICLE 10.** To see if the Town will vote transfer the care, custody, control, and management of a portion of a parcel of Town-owned land as shown on a Plan on file in the Office of the Town Clerk, being a portion of land identified as Lot 1 on Assessors' Map 31, Block 111, from the School Committee to the Board of Selectmen to be held for the purpose of lease, provided that this transfer shall not take effect until the School Committee has voted pursuant to Massachusetts General Laws Chapter 40, Section 15A that said land is no longer needed for school purposes; and, further, in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12 and the Town Code Chapter 106, Section 4 Contracts to authorize the Town Manager, with the approval of the Board of Selectmen, to enter into a contract for a term not to exceed 20

years for the lease of said parcel of Town-owned land, including the right of access, located in the Billboard Overlay District for billboards, signs, and other advertising devices, or act in relation thereto.

**SUBMITTED BY: School Committee**
**Two-Thirds Vote**

**ARTICLE 11.** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12 and the Town Code Chapter 106, Section 4 Contracts to authorize the Town Manager, with the approval of the Board of Selectmen, to enter into a contract for a term not to exceed 20 years for the lease of all or a portion of a parcel of Town-owned land located in the Billboard Overlay District identified as Lot 1, on Assessors' Map 11, Block 4 for billboards, signs, and other advertising devices; or act in relation thereto.

**SUBMITTED BY: Town Manager**

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 14th day of September, 2009.

BOARD OF SELECTMEN OF THE TOWN OF CHELMSFORD

Clare L. Jeannotte, Chairman

Patricia Wojtas, Vice Chair

Eric R. Dahlberg, Clerk

George R. Dixon, Jr.

Sean Scanlon

## NOTICE OF PROPOSED DATES AND TIMES FOR CONTINUED SESSIONS OF THE ANNUAL TOWN MEETING

The Board of Selectmen shall propose the following dates and times for continued sessions of the Town Meeting of October 19, 2009 to be held at the Chelmsford Senior Center, 75 Groton Road, North Chelmsford then:

Thursday, October 22, 2009 at 7:30 p.m.

Monday, October 26, 2009 at 7:30 p.m.

Thursday, October 29, 2009 at 7:30 p.m.

If additional continued sessions are necessary they shall take place on the Monday and Thursday of the next consecutive week until the meetings are concluded.

Pursuant to General By-laws Article II, Section 4.10.

Notice these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. Sept 16, 2009

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Building Gym, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Building Gym, and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence,
Constable

A True Copy Attest, William E. Spence

William E. Spence,
Constable

## ANNUAL FALL TOWN MEETING
## October 19, 2009

The Annual Fall Town Meeting was called to order at 7:35 PM at the Senior Center, on Groton Road. The Moderator Dennis E. McHugh recognized the presence of a quorum. There were **140** Town Meeting Representatives present. The Moderator announced that those wishing to participate in the Pledge of Allegiance to please rise. The Moderator pointed out the fire exits located in the room and then went over the rules and procedures of the meeting, regarding amending motions and discussions. Town Counsel for this meeting from Koplemen and Paige would be Attorney Lauren Goldberg. He then asked that the body acknowledge with a moment of silence three individuals who have passed away since the August meeting, James McBride, who was an elected member of the Board of Assessors from 1982-1987. Liz (Elizabeth) Marshall, former Town Meeting Representative for Pct 6, and past member of the Finance Committee and other various boards, and Betty (Elizabeth) McCarthy who had been an elected member of the Library Trustees from 1969-2009 and former Town Meeting Representative for Pct 1. The Moderator noted that there is no amount of words to describe the dedication that these individuals gave to the Town. He continued by saying that Selectman Clare L. Jeannotte moved that the reading of the Constable's return of the Special Town Meeting warrant be waived. **Motion carried, unanimously.** Selectman Clare L. Jeannotte moved that the reading of the warrant be waived. **Motion carried, unanimously**.

**UNDER ARTICLE 1** Selectman Clare Jeannotte moved that the Town vote to hear reports of the Town Officers and Committees.

The Town Manager Paul Cohen welcomed the Body and announced that it was 20 years ago that the Town Meeting Representatives had their first meeting. The residents had voted to change the form of government from Open Town Meeting to Representative. At this time he asked that the Chairman of the Board of Selectmen Clare Jeannotte be recognized as she had a presentation to make on behalf of the Town. Selectman Jeannotte announced to the Body that there were two special guests in attendance. The Mayor and Mayoress,Tony and Lorraine Sach from Chelmsford Essex, UK. She went over the similarities that the two Chelmsford's shared. The borough of Chelmsford has an area of 130 miles and includes the large town of Chelmsford. It is located 31 miles from London like we are a little under the same distance from Boston. Chelmsford England hosts street fairs, similar to our July 4th parade. Selectman Jeannotte then introduced Mayor Sach and thanked him for attending the meeting and presented him with a gift on behalf of the Town, a pewter plate with the Town's seal on it. As the Mayor came forward the Body responded with applause and a standing ovation. The Major made an acknowledgement and then briefly described the encounters he and his wife have had since their arrival the previous Thursday. From a trip to St George, NY to view the foliage, to the unexpected October snow showers. He also commented on how familiar he was with all the names of the cities and towns that he has noticed and their similar distance they are from Chelmsford just like his home town. He thanked the Board of Selectmen, Town Manager and the Town for their warm welcome and hospitality. The Town Manager said there was one more presentation to be made on behalf of the Town. Vice Chairman to the Board of Selectman Patricia Wojtas and Clerk to the Board Eric Dahlberg presented a bouquet of flowers to the Mayoress and a CHS jacket and knit hat to the Mayor.

The Manager commented on the various pictures that were shown during the presentations particularly the English street fair participants. He noted that this was like our 4th

of July events and in 2010 the Town's celebration will be held on Monday July 5th due to the 4th being a Sunday. Information regarding the parade was available at the hall's entrance.

He continued by saying that as stated earlier this was the 20th year of the Representative Town Meeting form of government. The Board of Selectmen wanted to acknowledge those members who have served continuously since being first elected in 1989. Selectman Jeannotte expressed the Town's gratitude and read the following citation that would be presented to the Representatives:

"The Chelmsford Board of Selectmen do hereby acknowledge the personal sacrifices and extraordinary commitment required to achieve this significant milestone, and recognize that this distinction has been earned by maintaining the respect and support of all Chelmsford residents. Congratulations on twenty years of faithful and consistent service to the Town of Chelmsford."

The certificate was signed by the members of the Board of Selectmen and the Town Clerk. Selectman Jeannotte also noted that Dennis McHugh has served as Moderator continuously since 1981. She then asked that the following Representatives come forward and receive their certificates and to remain standing up front so a picture could be taken:

| | | |
|---|---|---|
| Kathryn Brough | Walter A. Cleven | Michael F. Curran |
| William F. Dalton | Richard J. Day | Leonard W. Doolan II |
| Janet G. Dubner | Mary E. Frantz | Dwight M. Hayward |
| Cynthia Kaplan | Frances T. McDougall | George Merrill |
| Dennis J. Ready | Daniel J. Sullivan,III | W.Allen Thomas, Jr |
| Evelyn S. Thoren | Mary Jo Welch | |

The Body responded with a round of applause and a standing ovation.

The Manager then asked that Richard Day, Director of the Board of Health come forward and give an update regarding the Flu and the H one N one virus. Richard Day explained that at this point there have been numerous delays on the Board of Health receiving the vaccines for either virus. This is why the scheduled flu clinics had to be cancelled. As soon as the BOH is notified of the availability of the vaccines notice will be given to the Town residents. This is a situation that the BOH has no control of and asked that the residents remain patient.

The Manager said that the Town's solid waste contract would be expiring in July of 2010. He noted that in the back of the hall were two size trash bins that were being discussed for the residents to possibly use regarding automated trash pick up. He asked that any feedback regarding these barrels be made in the next few weeks to either himself or the Board. Jennifer Almedia the Town Recycling Coordinator was going to give an update regarding the situation. Jennifer Almedia outlined the progress that the Town has accomplished since the last contract. The Town has gone from 16,000 tons of trash in FY05 to under 12,700 tons in FY09. The recycling tonnage and participation has also increased. An initiative adopted called the Greening of Chelmsford has played a major role on recycling awareness. The BOS has appointed an Energy Awareness Committee with Facility Director Gary Persichetti being a member. Town Buildings are incorporating cost savings by installing solar panels, energy saving lighting and mechanisms. Even with all the success she stressed that the Town can do better. Some of the thoughts being addressed are weekly recycling collection. The possibility of having automated trash collection system, which seems to be the wave of the future. It is healthier and safer for the vendor's employees, which is a savings for them that they reflect in their bids. It will also result in cleaner and neater streets. The total savings would depend on the amount of tonnage reduced in the solid waste collection. She gave the pros and cons of the two different size barrels. Once

the RFP goes out there will be a better determination on the actual pricing and final recommendations concerning the contract.

The Manager then asked that Patrick Maloney Chairman of the Permanent Building Committee give a report. Patrick Maloney said that the Town was recently awarded a grant from the MA School Building Authority for both the Parker and McCarthy schools for $7.3 million dollars. It was thought that only the funds that would be received this year would be for the McCarthy. Where he is resigning as a member of this committee this news brings full closure to his tenor with the committee. He wanted the Body to know that any future projects will require a lengthier timetable on receiving funding. Out of a $31 million dollar project the Town received a total of $16,019,879 in State reimbursement. It was a great way to wind up the project and he appreciated and thanked the Town for it's support over the past years. The Body responded with applause and a standing ovation. The Manager thanked Pat Maloney for a job well done. He also thanked Town Accountant Darlene Lussier for her efforts on submitting all the figures and paperwork regarding these grants. At this time he then wanted to acknowledge by way of a pictures all the efforts made by Facility Director Gary Persichetti on the energy saving methods he has overseen and installed along with various capital improvements that has taken place over the past summer. At the CHS an Instantaneous Water Heater was installed. It replaced the old domestic type water heater. The façade at CHS was restored and upgraded by correcting the water damage done over the years and fixing the side walks. The CHS stadium seating and press box was replaced. This allowed the ADA and safety requirements to be met. The improvements made to the McCarthy Gymnasium regarding the floor and bleachers. He went over the improvements made to the Chelmsford Forum regarding the roof, ice surface and dashers known as half boards. The boiler and 40 gallon kettle in the Senior Center was replaced. He showed the most recently installed solar panels at the Library. He felt that the Body should hear this good news regarding the improvements made to the facilities. The Body responded with applause.

The Manager then said that he has now been in Chelmsford for three years and wanted to express his appreciation and thanks for the support the Representatives have given to him and the tremendous staff and resources that Town has available through the citizens, people who are employed by the Town and volunteers. It has been three challenging years. No one would have been able to predict the financial situation. He wanted to give an update. He compared the budget as it was when he arrived to where it is now. There has been a 5/% overall budget increase over the three years. The tax levy went from $67 to $73 million dollars. Property taxes are becoming the largest portion in funding the budget. Currently State Aid over the last three years has basically been level funded. The State has announced a $600 million dollar deficit and by November 1st plans should be addressed regarding the cuts to be given in local aid funding, which in the near future there will cause more challenges. There will more than likely be more cuts which will result in adjustments being made to the FY10 budget. Due to this uncertainty right now, the tax rate can not be set because the Town will have an unbalanced budget. He outlined the areas of increase over the last three years. They are benefits and insurance of $2.25 million, Chelmsford Schools $1.13 million, Nashoba Tech $240,000 Town Departments (those other then the School) increased by $316,000. Public Safety is funded less now then it was three years ago. The Library Budget has been cut. The Chelmsford Public Schools has received an increase of 2.7% while the other Town Departments received 1.5% More than likely the Town will be forced to make more difficult deductions within the next few weeks, while at this point Departments are trying to prepare for their FY11 budgets. He then asked that Finance Director John Sousa come forward and give the five year forecast as best as he can as required by the Charter. Financial Director John Sousa went over the revenue sources, expenditure trends, then the overall forecast. He listed the revenue which is mostly local taxes. State Aid is the second most revenue. He expected to see a cut in the State Aid because of the economic situation. The Town cannot predict the amount of State Aid that will be available because the amount is based on State revenue trends rather than the Towns. He assumed that Chapter 70 Aid for education

will be level funded. He anticipated a reduction in Municipal Aid as $1.4 M for FY11 and perhaps a 3% increase for FY12-15 which may be subject to change. He gave the Revenue Assumptions in Available Funds the Town ended FY09 with a balance of $1.2Million. He estimated $500,000 for FY12-FY15. There are no planned draw downs for FY11-FY15. He estimated a 6.7 % increase under Motor Vehicle Excise tax for FY11, then 2.5% for FT12 – FY15. He estimated a Sewer Enterprise Revenue of 2.5% in growth. He talked about the Expenditure Assumptions under General Government Personnel FY11 0% cost of living allowance and steps for only those eligible personnel. In FY12-FY15 possible 2% cost of living and step increases. Under expenses a 2.0% increase. Under the Public Schools Personnel for FY11 0% cost of living allowance and steps for only those eligible personnel. In FY12-FY15 possible 2% cost of living and step increases. Expenses $500,000 for SPED tuition increase for FY11-FY15. He went over the 10-year debt service projection and Forecast summary and listed the projected deficits. Due to slow revenue growth combined with rising fixed costs he projected a deficit of $3million over the next four fiscal years. He stressed as the FY11 budget situation unfolds everyone will have to work together to solve this deficit. Until there is a turn around in the economy, in revenue trends, the only thing that can be done is to reduce Town services in order to close the deficit.

The Town Manager said that the final report would be that of the Master Plan Committee. James Lane, Chairman of the Committee thanked everyone for this opportunity. Vision quest 2020 has been the Committee's motto. The purpose is to manage growth and change. Provide orderly and predictable development; create a strategic vision to ensure that the Town's character is upheld. This is required under MA Law Chapter 41 Section 81D. He gave the various funding sources that enable this plan to be done. The information in the Master plan is data analysis. Review existing conditions, trends, maps and implementation strategy. The Committee has had a Visioning Session this past March, has had five public input sessions and the Committee is still conducting interviews with various Town Departments. He said that a draft will be created and revised based on Committee review. The final steps will be completion of the final draft by the spring of 2010, receive endorsement by the Planning Board and the Board of Selectmen and create an Implementation Committee. He noted that all the information that has been gathered and the progress of the Committee is available on the Master Plan web site. The Manager said that concluded the reports. The Moderator read the next article.

**UNDER ARTICLE 2** Selectman Clare Jeannotte moved that the Town vote to appropriate from Free Cash the sum of $1,245,184 to the Stabilization Fund.

The Town Manager explained that once the Department of Revenue certifies the amount of free cash that the Town has, it is traditional Fall Town Meeting action to transfer the certified amount by a 2/3's vote into the stabilization fund. He noted that since a year ago considering the financial challenges that the Town has had cash reserve remains basically unchanged at $3.4 million. He asked for support in transferring this amount. The Moderator asked for questions, hearing none he asked for recommendations. The Finance Committee recommended the article; the Board of Selectmen recommended the article. He asked if there was any debate, hearing none he asked for a vote by way of a show of hands. **The motion carried, unanimously**.

**UNDER ARTICLE 3** Town Manager Paul E. Cohen moved that the town vote to transfer the sum of $32,668 from Special Revenue to the School Department, said funding coming from E-Rate reimbursements.

The Town Manager explained that this is a standard Fall Town Meeting article. It is from the E-Rate fund which is a federal telecommunication support program reimbursement fund for technology advancements made by the School Department. The Moderator asked for questions,

hearing none he asked for recommendations. The Finance Committee recommended the article; the Board of Selectmen recommended the article. He asked if there was any debate, hearing none he asked for a vote by way of a show of hands. **The motion carried, unanimously.**

**UNDER ARTICLE 4** Town Manager Paul E. Cohen moved that the Town vote to raise and appropriate the sum of $10,000 to fund the Community Action Program established under Article 12 of the April 29, 1996 Annual Town Meeting. The purpose of this program shall be to provide matching funds to community improvement projects undertaken by individuals and/or organizations within the Town of Chelmsford.

The Manager explained that currently the account has a balance of $926. This is used as seed money for community improvement projects by various groups or volunteers for areas in the Town for public use. It is a worth while program that has been in effect for the last thirteen years and he asked that it be supported. Linda Fall asked if there is a particular project that this money has been set aside for. No, it is to be used as start up money for any project, once approved, that any group proposes to take on. The Moderator asked for further questions, hearing none he asked for recommendations. The Finance Committee recommended the article; the Board of Selectmen recommended the article. He asked if there was any debate, hearing none he asked for a vote by way of a show of hands. **The motion carried.**

**UNDER ARTICLE 5** Town Manager Paul E. Cohen moved that the Town vote to amend the Fiscal Year 2010 operating budget voted under Article 3 of the Annual Town Meeting held on April 27, 2009 and amended under Article 3 of the Special Town Meeting held on August 17, 2009 as follows:

- Increase Line Item #2 Municipal Administration Expense by $25,000
- Decrease Line Item #4 Nashoba Valley Technical High School by $8,859
- Increase Line Item #11 Municipal Facilities Expense by $75,000
- Increase Line Item #22 Excluded Debt Service by $361,111

and that the Town raise and appropriate the sum of $91,141 and transfer from the Stabilization Fund the sum of $361,111 to defray Town charges for the fiscal year period July 1, 2009 to June 30, 2010.

The Town Manager explained the article. The amount of $25,000 will be used to fund a special State primary and election that will take place on December 8th and January 19, 2010. This is to fill the vacant position of US Senator Kennedy who passed away in August. The State has called for special elections and because it is state mandate action, according to the State Auditor cities and towns will be reimbursed for this expense. However, until then the Town has to cover the expense to run these two elections. Regarding the Nashoba figure this is the balance of the promised reduction by the NVTHS Committee regarding the receipt of Federal stimulus money made at the Spring Town Meeting. The Manager said that the budget had been adjusted at the August meeting to reflect the original assessed amount that the town was obligated to. This amount shown reflects the balance that the Committee said they would return to the Town once the stimulus money was received. The Facilities Department had to address two unplanned emergency items. There was a ceiling collapse in the High School Café over the summer. The cost for the repair was between $35,000 to $37,000. A net reimbursement was made by the insurance company after the deductible of $10,000, was received, but only for the site of the initial collapse. It was discovered once the ceiling repair was started that the ceiling in the other cafeteria and library also needed to be addressed in order to avoid future problems, which is why the additional money is requested. He further explained that the Fire Department must make annual inspections of fire curtains. The curtain in the McCarthy Auditorium failed and before

any functions are held it must be replaced. The cost for a new curtain is $50,000 due to the old curtain being made of asbestos material a "control disposal" must be done, and because of the size of the curtain it must be custom made. Bids have gone out for this project and will be awarded next week if approval is granted. The facility is a source of revenue and used constantly by organizations so it is a necessity that the curtain be replaced at this time. The final item is basically a bookkeeping item. There is no actual money involved with this action. At the end of the fiscal year accounts are closed and in this particular case the money was voted but didn't get transferred to Debit Services Account for credit. The vote taken at this meeting will allow the adjustment to be made which will bring the account up to date. Mary Franz of the Finance Committee questioned the Nashoba amount shown, then realized it was a balance of the amount mentioned at the Spring Town Meeting. The Moderator asked for further questions, hearing none he asked for recommendations. The Finance Committee recommended the article; the Board of Selectmen recommended the article. He asked if there was any debate, hearing none he asked for a vote by way of a show of hands. **The motion carried, unanimously.**

**UNDER ARTICLE 6** Town Manager Paul E. Cohen moved that the Town vote to appropriate the sum of $30,000 from the Chelmsford Forum special revenue fund for the replacement of the center ice scoreboard at the Chelmsford Forum.

The Manager explained that the facility had been shut down over the summer so the work mentioned at the beginning of the meeting could be done. When the facility was re-opened it was discovered that the scoreboard wasn't functioning and needed to be replaced. No tax money will be used. The money for this will come from an account that is set up solely for the maintaining and repairing of this building. It is the same account that was used for the previous repairs. It is a basic four sided scoreboard. The Moderator asked for questions, hearing none he asked for recommendations. The Finance Committee recommended the article; the Board of Selectmen recommended the article. He asked if there was any debate, hearing none he asked for a vote by way of a show of hands. **The motion carried unanimously.**

**UNDER ARTICLE 7** CPA Committee Member James M. Lane Jr moved that the Town vote to appropriate from Community Preservation Fund Historical Reserve the sum of $25,000 for the exterior restoration of the Garrison House, and further to authorize the Board of Selectmen to acquire an historic preservation restriction.

Robert Morse, Chairman of the CPA Committee came forward to explain this article and the next article. He announced that this is the 50th year anniversary of the Garrison House Association. It's purpose is to maintain and preserve a colonial home. It holds and conducts different events through out the year that enable citizens to view life events during the colonial times. The house is in need of repairs. They are sill replacement on the south side, floor joist and repair under the kitchen and subfloor replacement under the kitchen entry. Twenty-five windows need to be re-glazed and 3000 lineal feet of clapboards must be replaced. The Moderator asked for questions, hearing none he asked for recommendations. The Finance Committee recommended the article; the Board of Selectmen recommended the article. He asked if there was any debate, hearing none he asked for a vote by way of a show of hands. **The motion carried unanimously.**

**UNDER ARTICLE 8** CPA Committee Member James M. Lane Jr moved that the Town vote to appropriate from Community Preservation Fund Historical Reserve the sum of $20,500 for the exterior restoration of the Fiske Barn, and further to authorize the Board of Selectmen to acquire an historic preservation restriction.

Robert Morse explained that this barn was originally located at the Fiske House in the center of Town. It had been moved a few years back. It had been disassembled and reassembled and now is located on the Garrison House property. At the time it had horizontal clapboards that did not withstand the test of time and were not re-installed. It has been sitting on the property with it's originally sheathing underneath. The plan is to completely re-sheath it with vertical clapboards which will make the barn more authentic looking. The Association has carriages that they would like to display. By doing this work the building will then be weatherproof and enable more space for exhibitions and functions. The Moderator asked for questions, hearing none he asked for recommendations. The Finance Committee recommended the article; the Board of Selectmen recommended the article. He asked if there was any debate, hearing none he asked for a vote by way of a show of hands. **The motion carried unanimously.**

**UNDER ARTICLE 9** Dwight Hayward moved that the Moderator waive the reading of this article. The Moderator asked for a vote by way of a show of hands. **The motion carried unanimously.** David McLachlan, Chairman of the Conservation Commission explained the article. Passage of this article would allow a land swap on Robin Hill that is considered "uplands". Chelmsford Water district owns 4.43 acres which abuts conservation land. Conservation owns 4.17 acres that the Water District has a tower on. The Water district has been advised by authorities that they should own their own sites for security reasons. This is the primary reason for the swap. Chelmsford Water would in addition need to be granted an easement from the Conservation Commission for access to the land they would obtained in the swap. This land swap would be made under Chapter 97 of the MA Constitution. There are a number of steps that first must be done and would take roughly one year to complete. Due to this being Chapter 97 land this action would also require approval from the State's Legislative Body. A public hearing was held and the abutters were notified and their concerns and questions were addressed. He said that the Chelmsford Water Commissioners were present if there were any questions from the Body. The Moderator asked for questions, hearing none he asked for recommendations. The Finance Committee recommended the article; the Board of Selectmen recommended the article. He asked if there was any debate, hearing none he asked for a vote by way of a show of hands. **The motion carried unanimously. The article reads as follows:**

Town Manager Paul E. Cohen moved that the Town vote to transfer the care, custody, management and control of the following described parcel of land along with all easements and appurtenances as described below from the Conservation Commission for conservation purposes to the Board of Selectmen for general municipal purposes, including the purpose of conveyance, which parcel of land is shown as "Parcel W" (the "Parcel W") on a plan entitled "Approval Not Required Plan, Map 102 Lots 357-6, 357-8 and 357-14" dated July 31, 2009, revised on September 30, 2009, prepared by Meisner Brem Corporation, (the "Plan") containing 4.17 acres, more or less along with a permanent, forty (40) foot wide right of way access and use easement depicted on the Plan as "Easement Area A" and "Easement Area B" (collectively, the "Easement Area") and which Plan is on file with the Town Clerk, and which Parcel W and Easement Area B are portions of the Town-owned land described as Parcel 2 in a deed recorded with the Middlesex North District Registry of Deeds in Book 2329, Page 302 and which Easement Area A is a portion of Town owned land described as Parcel 1 in said deed; and that the Board of Selectmen be authorized to seek legislative approval for such transfer and conveyance under Article 97 of the Articles of Amendments to the Massachusetts Constitution, such transfer to become effective upon the enactment of said Article 97 legislation and upon the determination by the Conservation Commission that Parcel W is no longer needed for conservation purposes (noting that the land subject to the Easement Area shall remain under the administration, control and maintenance of said Conservation Commission with all retained rights in the Easement Area for conservation and passive recreation use subject to the rights of the Chelmsford Water District

to use the Easement Area to access and use Parcel W); and further that the Board of Selectmen be authorized to convey the Town Land along with all said rights of way, easements and appurtenances depicted on the Plan to the Chelmsford Water District on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate, provided that the Chelmsford Water District, in consideration for the conveyance of the Town Land, shall convey to the Chelmsford Conservation Commission, for conservation and open space purposes and for nominal consideration, the parcels of land shown as "Open Space Parcel A" and "Open Space Parcel B" on a plan entitled "Hillside Lane Extension 'Definitive Plan' for Subdivision in Chelmsford, MA," dated July 1, 1993, revised through February 11, 1994, recorded with the Middlesex North District Registry of Deeds in Plan Book 186, Plan 1, containing in total 4.43 acres, more or less.

**UNDER ARTICLE 10** Chairman of the School Committee Angelo J. Taranto moved that the Town vote to transfer the care, custody, control, and management of a portion of a parcel of Town-owned land as shown on a Plan on file in the Office of the Town Clerk, being a portion of land identified as Lot 1 on Assessors' Map 31, Block 111, from the School Committee to the Board of Selectmen to be held for the purpose of lease, provided that this transfer shall not take effect until the School Committee has voted pursuant to Massachusetts General Laws Chapter 40, Section 15A that said land is no longer needed for school purposes; and, further, in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12 and the Town Code Chapter 106, Section 4 Contracts that the Town Manager, with the approval of the Board of Selectmen, be authorized to enter into a contract for a term not to exceed 20 years for the lease of said parcel of Town-owned land, including the right of access, located in the Billboard Overlay District for billboards, signs, and other advertising devices.

The Town Manager explained that this is the next step in the Town's billboard process. The Body had approved a Billboard Overlay Zoning District at the Spring Town Meeting. This action was approved by the Attorney General. The land in this article is adjacent to the High School football stadium and abuts Route 3. The Town has surveyed and staked the area. The School Committee has reviewed the site. If the Body was to approve the proposed use for this land the next step would be to go out and issue an RFP for billboards on that site. The lease would be for 20 years not the normal 30 years. If there was a successful bid it would be brought to the School Committee for their approval then to the Board of Selectmen for the final approval. Then a 20 year lease would be drawn up for a billboard at that site. The Moderator asked if there were any questions. Susan Julian Gates wanted to know what the consequences were if this article didn't pass and what guarantee would there be that any revenue from the lease would go toward a specific purpose. The Manager explained that if this didn't pass then the Town would not have an opportunity to lease the site for billboards. The revenue from the lease would be unrestricted it would not be earmarked for any one purpose. It would go into the General Fund as local revenue. It would require Town Meeting action to have money transferred for any purpose from the fund. It will not go towards synthetic fields due to the economic situation at this time. It more than likely will be used for supporting the general operations of the Town regarding public safety and education. Thomas Fall asked how much money will be generated from this. The Manager felt probably in the neighborhood of $50,000 to $100,000 per year. Since the Town's passage of the by-law in April two billboards have been erected on Route 3 from Lowell to Tyngsboro. The by-law change allowed land in North Chelmsford owned by the North Chelmsford Congregational Church eligible for the placement of a billboard and they are currently in active discussion with a vendor. He felt that discussions he has had with people in the market that the revenue figures he quoted were accurate. Linda Fall questioned if the Manager checked within the Merrimack Valley to see how many billboards are being leased by cities and towns and the pros and cons of doing so. No he has not been able to find or indentify a

market for this. Jeff Hardy questioned if it is a disadvantage to lease for 20 years instead of 30 years. The Manager said that even if the industry norm is 30 years, he didn't feel comfortable with having something out of the Town's control until 2040. Derek Gates questioned what control the Town would have on the material shown. The Manager explained that this was discussed in April. The RFP would state specific guidelines and standards. There are federal guidelines that must be adhered to. More likely it would be advertisements for cellular wireless companies, food establishments, colleges. Ralph Hickey questioned how many other sites in Town are eligible. The Manager said that there are three. One piece of Town owned property next to the North Congregational site in North Chelmsford site and Conservation Land off of Riverneck Rd. Ralph Hickey questioned if this wasn't opening up Pandora's Box and allowing billboards to be put up in the center of Town. No under the zoning by-law there are only four sites. Any other site would need to be done by a change in zoning and would require Town Meeting approval. Rick Mahoney questioned if the Town ever considered the residents in the area who lived across Route 3 from the proposed site in the article. The Manager explained yes in April that was discussed when the by-law was proposed. The Planning Board will need to hold a public hearing and this is where the resident issues will be furthered addressed. Paul Gleason questioned what would the Manager do if the bid came in at the low end of the sought revenue. Could it be rejected? Yes, if the School Committee or the Board of Selectmen didn't like the proposed bid it would be rejected and he would go out for another bid in the future. Fran McDougall questioned how does the Body know that this land is not needed for educational use. The Manager said that the School Committee would make this decision. Considering the location he doesn't see it having any educational use. Frances McDougal then asked if this was the push by the football team to raise revenues in order to have a synthetic field installed that caused the billboard article to come before the Body in April. Yes it was. There was an effort to do this in order to raise money for upgrading the stadium and field which could cost up to $1 million dollars. However, since April the economic condition of the Town has shifted and any monies received would go into the general fund. That was the origin but no longer the intent today. She wanted to be assured that the revenue from the proposed site at this time would not go towards putting in a synthetic field at the High School. This Body would have to vote for approval of a transfer from the General Fund for any appropriations of this nature. Given the economic climate he does not see himself within the conceivable future bringing this type of proposal to the Body. Bill Griffin questioned what the maximum number of signs that could be erected on the site. Only one could be built. The Moderator asked for further questions, hearing none he asked for recommendations. The Finance Committee had no recommendation regarding this article; the Board of Selectmen recommended the article. He asked if there was any debate. Susan Gates felt that this should not be allowed first impressions are important. Thomas Crowe made a point of order questioning that the discussion should only be about the transferring of land, not about the by-law. The Moderator said it was in the scope of the article and said it could be addressed. Susan Gates continued speaking against the article and asked that it not be voted. She requested that the Representatives ask for a roll call vote in order for people to know how the Representatives voted. Linda Fall then thanked the Town Manager for all the work that he did in presenting the article but she felt that it should not be passed. Rick Mahoney felt that people should think about how they would feel if it was in their neighborhood and asked that they think about this before casting their vote. Thomas Fall had concerns that the Town would look like the Daniel Webster Highway or Route 1 and asked that it be voted down. Allen Thomas said that the Town Manager expressed at the beginning of the meeting the financial problems facing the Town. This is not an ideal solution but within the near future challenges are going to arise regarding cuts being made to public safety and education and before voting the Body should also remember this. Samuel Poulten moved the question to stop debate. The Moderator asked for a vote by way of a show of hands. **The Moderator declared that the motion carried by recognizing the 2/3's vote by-law**. He then asked for a vote on the article by

way of a show of hands, which required a 2/3's vote. This left the Chair in doubt; he asked that the tellers come forward. Thomas Gilroy, Eleanor Gilroy, Philip Swissler and Marie Sevigny came forward and conducted a hand count. **The result was Yes 82 No 41, 2/3's is 82 the motion carried.**

**UNDER ARTICLE 11** Town Manager Paul E. Cohen moved that the Town vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12 and the Town Code Chapter 106, Section 4 Contracts, authorize the Town Manager, with the approval of the Board of Selectmen, to enter into a contract for a term not to exceed 20 years for the lease of all or a portion of a parcel of Town-owned land located in the Billboard Overlay District identified as Lot 1, on Assessors' Map 11, Block 4 for billboards, signs, and other advertising devices.

The Manager explained that this would give authorization for him to enter into a contract for leasing the land cited in the previous article. According to the Town's by-law anytime the Town enters into a lease for more then five years the Body must vote. The term of the contract is for 20 years and the Manager requested that the Body support this article. The Moderator asked for questions, hearing none he asked for recommendations. The Finance Committee recommended the article; the Board of Selectmen recommended the article. He asked if there was any debate. Thomas Fall asked that consideration of the last vote be made. He felt that if one person was to change their mind it would make a difference. He didn't want to see five billboards on Route 3. Rick Mahoney asked that a roll call vote be taken regarding article 10. The Moderator said that it was too late because article 11 had already started. Peggy Dunn wanted to know if it was possible to have the tellers come forward and take a hand count at the beginning of the required 2/3's vote rather then after an attempted hand count has been done. Janet Dubner wanted to know what the legal cost would be if the Town wanted to have the information on the billboard removed because it was felt that it was offensive. Under the RFP the company would have to post a performance bond to adhere to the regulations on billboards. If necessary the Town could use that funding to cover the cost of forcing the removal of information. If it was contested and the Town was found to be in favor then the Town would seek reimbursement costs. It the Town lost then it may cost the Town some money perhaps in the thousands of dollars. Susan Gates questioned if Town Counsel has determined if the by-law is content neutral. Yes, also it was done by the Attorney General. Beverly Barrett said that she doesn't live near any area where these billboards are going, however she does live near a closed fire station and asked that the article be supported. The Moderator asked if there was any further debate, hearing none he asked for a vote by way of a show of hands. **The motion carried.**

The Moderator then declared that the meeting be adjourned sine die. The meeting adjourned at 10:25 PM.

_____ _____

Dennis E. McHugh, Moderator Elizabeth L. Delaney, Town Clerk

# COMMONWEALTH OF MASSACHUSETTS
## WILLIAM FRANCIS GALVIN
## SECRETARY OF THE COMMONWEALTH

**Middlesex SS.**

To either of the Constables of the Town of Chelmsford

**GREETING:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Special State Primaries to vote at

| | |
|---|---|
| Precinct 1. | Town Offices Gymnasium, 50 Billerica Road |
| Precinct 2. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 3. | Harrington Elementary School Gymnasium, 120 Richardson Road |
| Precinct 4. | Westlands School Cafetorium, 170 Dalton Road |
| Precinct 5. | Byam School Cafetorium, 25 Maple Road |
| Precinct 6. | Westlands School Cafetorium, 170 Dalton Rd |
| Precinct 7. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 8. | McCarthy Middle School, Small Gymnasium, 250 North Road |
| Precinct 9. | Town Offices Gymnasium, 50 Billerica Road |

on **TUESDAY, THE EIGHTH OF DECEMBER, 2009,** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Primaries for the candidates of political parties for the following office:

**SENATOR IN CONGRESS. . . . . FOR THE COMMONWEALTH**

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this twenty third day of November 2009.

Selectmen Town of Chelmsford

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. November 24th, 2009

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Office Gymnasium, Harrington School Gymnasium, Harrington School Gymnasium, Westlands School Cafetorium, Byam School Cafetorium, Westlands School Cafetorium, McCarthy Middle School Small Gymnasium, McCarthy Middle School Small Gymnasium, Town Office Gymnasium and Town Office Building Lobby.

Signed:

William E. Spence

William E. Spence, Constable

A True Copy Attest:

William E. Spence

William E. Spence, Constable

## TOWN OF CHELMSFORD SPECIAL STATE PRIMARY December 8, 2009

### DEMOCRATIC SPECIAL PRIMARY DEC 8, 2009

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **SENATOR IN CONGRESS** | | | | | | | | | | |
| Blanks | 0 | 0 | 1 | 2 | 1 | 0 | 0 | 0 | 0 | 4 |
| Michael E. Capuano | 91 | 83 | 93 | 75 | 111 | 108 | 131 | 105 | 96 | 893 |
| Martha Coakley | 263 | 168 | 234 | 189 | 263 | 295 | 282 | 324 | 304 | 2322 |
| Alan A. Khazei | 69 | 39 | 43 | 32 | 69 | 71 | 78 | 57 | 68 | 526 |
| Stephen G. Pagliuca | 83 | 42 | 59 | 55 | 44 | 59 | 74 | 71 | 60 | 547 |
| Scott P. Brown (Write-In) | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 0 | 1 | 4 |
| G. Dixon (Write-In) | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| M. Sherman (Write-In) | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| John Parker (Write-In) | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| **TOTAL** | 506 | 333 | 430 | 354 | 490 | 534 | 567 | 557 | 529 | 4300 |

### REPUBLICIAN SPECIAL PRIMARY DEC 8, 2009

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **SENATOR IN CONGRESS** | | | | | | | | | | |
| Blanks | 1 | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 4 |
| Scott P. Brown | 204 | 129 | 160 | 146 | 169 | 192 | 241 | 213 | 184 | 1638 |
| Jack E. Robinson | 8 | 9 | 18 | 16 | 6 | 27 | 10 | 19 | 8 | 121 |
| Michael E. Capuano (Write-In) | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 3 |
| Martha Coakley (Write-In) | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 1 | 0 | 4 |
| Stephen G. Pagliuca (Write-In) | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Glenn Beck (Write-In) | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 |
| **TOTAL** | 214 | 139 | 180 | 164 | 179 | 221 | 251 | 234 | 192 | 1774 |

### LIBERTARIAN SPECIAL PRIMARY DEC 8, 2009

| | Prec 1 | Prec 2 | Prec 3 | Prec 4 | Prec 5 | Prec 6 | Prec 7 | Prec 8 | Prec 9 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| **SENATOR IN CONGRESS** | | | | | | | | | | |
| Blanks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Michael E. Capuano (Write-In) | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| Martha Coakley (Write-In) | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Jacqueline Martin (Write-In) | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Write-In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misc | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| **TOTAL** | 0 | 0 | 0 | 0 | 2 | 2 | 0 | 0 | 0 | 4 |